



**EVOLVING ANNOTATED BIBLIOGRAPHY FOR ‘CLIMATE LITIGATION IN THE GLOBAL SOUTH’,  
A GNHRE PROJECT SPONSORED BY THE SABIN CENTER FOR CLIMATE CHANGE LAW, THE  
TRANSNATIONAL LAW INSTITUTE, KING’S COLLEGE LONDON AND THE INSTITUTE OF MARINE  
AND ENVIRONMENTAL LAW, UNIVERSITY OF CAPE TOWN**

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September 2023

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## Books and Book Chapters

### General

**Ako, R. 2013. *Environmental Justice in Developing Countries: Perspectives from Africa and Asia-Pacific*. London: Routledge. <https://doi.org/10.4324/9780203422502>**

This book focuses on the conceptualization, recognition, and protection of environmental justice in developing countries by engaging an analytical discourse of relevant legal provisions in four case study countries including Nigeria, South Africa, India, and Papua New Guinea. The comparative analysis of environmental justice in these countries presents a framework within which to appreciate the conceptualization of the environmental justice paradigm.

**Alogna, I., Bakker, C., and Gauci, J.P. (eds), 2021. *Climate Change Litigation: Global Perspectives*. Leiden: Brill. <https://brill.com/view/title/59537>**

This book provides analyses from experts around the globe on the part played by national and international law, through legislation and the courts, in advancing efforts to tackle climate change, and what needs to be done in the future. Several chapters focus specifically on Global South jurisdictions, including Chapter 5 (India and Pakistan), Chapter 7 (Brazil), Chapter 8 (South Africa), and Chapter 12 (Africa in general).

**Amirante, D., and Bagni, S. (eds), 2022. *Environmental Constitutionalism in the Anthropocene*. London: Routledge. <https://doi.org/10.4324/9781003175308>**

This book examines the relationship between humans and nature through different cultural approaches to encourage new environmental legislation as a means of fostering acceptance at a local level. New perspectives for the constitutional framing of environmental policies, rights, and alternative methods for bottom-up participatory law-making and conflict resolution are investigated, showing that environmental justice is not just an option, but an objective within reach.

**Atapattu, S. 2018. *Human Rights Approaches to Climate Change: Challenges and Opportunities*. Oxon: Routledge. <https://doi.org/10.4324/9781315849683>**



This book examines the link between climate change and human rights in a comprehensive manner. In addition to a discussion of human rights implications of international environmental law principles in the climate change regime, the book explores how the human rights framework can be used in relation to mitigation, adaptation, and adjudication.

**Barber, W., and May, J.R. (eds), 2023. *Environmental Human Rights in the Anthropocene: Concepts, Context, and Challenges*, Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781009039642>**

This edited volume recognises that human rights and environmental protection are closely intertwined, and engages with the complexities of uniting human rights advocacy and environmental protection, including in response to climate change, since the global climate crisis is one of the distinct markers of the Anthropocene.

**Bonilla Maldonado, D. 2018. *Environmental Law Scholarship: Systematization, Reform, Explanation, and Understanding*. In O. Pedersen (ed), *Perspectives on Environmental Law Scholarship: Essays on Purpose, Shape and Direction*, pp. 41-59 Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781108635929>**

This book chapter analyses four paradigmatic models of environmental law scholarship: the model of systematisation, the model of reform, the model of explanation, and the model of understanding.

**Bonilla Maldonado, D. (ed), 2013. *Constitutionalism of the Global South: The Activist Tribunals of India, South Africa, and Colombia*. Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781108635929>**

This book addresses the jurisprudence of the Indian Supreme Court, the South African Constitutional Court and the Colombian Constitutional Courts on three key topics: access to justice, cultural diversity and socioeconomic rights. The book argues that contemporary constitutionalism discussion has interlocutors both in the Global South and Global North, while showing the common discourse between them and the differences on how they interpret and solve key constitutional problems.



**Daly, E., et al. (eds), 2017. *New Frontiers in Environmental Constitutionalism*. United Nations Environment Programme. <https://www.unep.org/resources/report/new-frontiers-environmental-constitutionalism>**

The book is the product of the contributors who were invited to participate in a Symposium on New Frontiers held at North-West University in South Africa in April 2016. Contributions in this book explore new frontiers in the implementation of constitutional, international, and regional innovative rights-based approaches to promote environmental protection.

**Duyck, S., Jodoin, S., and Johl, A. (eds), 2018. *Routledge Handbook of Human Rights and Climate Governance*. Oxon: Routledge. <https://doi.org/10.4324/9781315312576>**

This book brings together scholars and practitioners to offer an analysis of the opportunities and challenges for integrating human rights in diverse areas and forms of global climate governance. The book includes contributions focusing on Global South jurisdictions such as Chapter 26: Integrating a human rights–based approach to address climate change impacts in Latin America, and Chapter 28: Climate change and human rights in the Commonwealth Caribbean.

**Rodríguez-Garavito, C. (ed), 2022. *Litigating the Climate Emergency: How Human Rights Courts, and Legal Mobilization Can Bolster Climate Action*. Cambridge University Press. <https://doi.org/10.1017/9781009106214>**

This book offers a systematic analysis of the universe of human rights and climate change (HRCC) cases. By combining theory, empirical documentation, and strategic debate among preeminent scholars and practitioners from around the world, the book captures the roots, legal innovations, impact, and challenges of this dynamic field of socio-legal practice. The book looks specifically at the socio-legal origins and trajectory of HRCC cases, the legal innovations of this type of litigation, and the strategies and impacts of these cases.

**Gonzalez, C.G. 2017. Global Justice in the Anthropocene. In L.J. Kotzé (ed), *Environmental Law and Governance for the Anthropocene*. pp. 219-240. Hart Publishing Oxford. doi: [10.5040/9781509906574.ch-010](https://doi.org/10.5040/9781509906574.ch-010)**

This chapter uses the discourse of environmental justice to describe the challenges of the Anthropocene and to propose pathways toward a more just and sustainable economic order.



**Grear, A., and Kotze, L.J. (eds), 2015. *Research Handbook on Human Rights and the Environment*. Cheltenham: Edward Elgar Publishing.  
<https://doi.org/10.4337/9781782544432.00005>**

This book analyses the relationship between human rights and the environment from various angles and perspectives. The book consists of five parts; (i) epistemologies, (ii) core values and closures, (iii) constitutionalism and internationalism, (iv) regionalism and (v) the future we want.

**May, J.R., and Daly, E. 2014. *Global Environmental Constitutionalism*. Cambridge: Cambridge University Press. <https://doi.org/10.1017/CBO9781139135559>**

This book focuses on the increasing recognition that the environment is a proper subject for protection in constitutional texts and for vindication by constitutional courts. National apex and constitutional courts are exhibiting a growing interest in environmental rights, and as courts become more aware of what their peers are doing, this momentum is likely to increase. This book explains why such provisions came into being, how they are expressed, and the extent to which they have been, and might be, enforced judicially.

**May, J.R. and Daly, E. 2019. *Judicial Handbook on Environmental Constitutionalism*. United Nations Environment Programme.  
[https://unece.org/fileadmin/DAM/env/pp/a.to.j/JEN/2019\\_JEN/UNEP\\_Handbook\\_on\\_Environmental\\_Constitutionalism\\_\\_3d\\_ed.pdf](https://unece.org/fileadmin/DAM/env/pp/a.to.j/JEN/2019_JEN/UNEP_Handbook_on_Environmental_Constitutionalism__3d_ed.pdf)**

This handbook is designed to provide jurists with an overview of environmental constitutionalism: it addresses what it is, the peculiar practical and procedural issues it presents, and how courts from around the globe have engaged it.

**May, J.R. and Daly, E. 2019. Global climate constitutionalism and justice in the courts. In Jaria-Manzano, J., and Borràs, S. (eds), *Research Handbook on Global Climate Constitutionalism*, pp. 235-245, Cheltenham: Edward Elgar Publishing.  
<https://doi.org/10.4337/9781788115810.00019>**

This chapter analyses developments at the nexus of environmental constitutionalism and climate justice. As per their evaluation, the authors argue in the first part that a growing group of countries expressly address climate change in their constitutions and courts from around the world are recognizing that government inaction in the face of climate change can violate a right



to a healthy climate as implied by an express constitutional right to life, dignity or due process, or to a healthy environment. The second part of the chapter conceptualises and contextualises what has come to be called 'climate justice', that is, the social and economic consequences of the disproportionate effect of climate change. The third part details the extent to which countries have adopted express constitutional means to address government inaction about climate change. Part four reports on how courts have engaged these and associated constitutional provisions.

**Rudall, J. 2020. *Compensation for Environmental Damage Under International Law*. Abingdon: Routledge. <https://doi.org/10.4324/9780429341496>**

This book identifies and critically appraises several approaches to calculating compensation for damage caused to the environment. It is argued that best practice methodologies should ensure compensation serves to fully repair the environment, reflect the emerging ecosystems approach and any implications environmental damage may have for climate change, as well as consider relevant equitable considerations.

**Sindoco, F., and Mbengue, M.M. (eds), 2021. *Comparative Climate Change Litigation: Beyond the Usual Suspects*. Cham, Switzerland: Springer Nature. <https://link.springer.com/book/10.1007/978-3-030-46882-8>**

This book contains multiple chapters on climate change litigation in the Global South. Chapters include an analysis of cases in Bolivia, Mexico, Brazil, Colombia, South Africa, China, and India.

**Sobenes, E., Mead, S., and Samson, B. (eds), 2022. *The Environment Through the Lens of International Courts and Tribunals*. The Hague: T.M.C. Asser Press. <https://doi.org/10.1007/978-94-6265-507-2>**

This book covers each of the main international, regional and transnational courts and tribunals and analyses how international courts and tribunals contribute to the development of international environmental law.

**Townsend, D.L. 2020. *Human Dignity and the Adjudication of Environmental Rights*. Cheltenham: Edward Elgar Publishing. <https://doi.org/10.4337/9781789905946>**

The author provides an analysis of important contemporary developments in human and environmental rights across a range of jurisdictions and levels and considers whether human



dignity should play a more central role in judicial considerations regarding environmental rights and environmental threats to human rights.

**Voigt, C. (ed), 2019. *International Judicial Practice on the Environment: Questions of Legitimacy*. Cambridge: Cambridge University Press.**

**<https://doi.org/10.1017/9781108684385>**

This book addresses questions of who has legal standing to bring an environmental claim before international courts, on which legal norms cases are decided, and whether judges have the necessary expertise to adjudicate environmental cases of often complex nature. It analyses which challenges international courts may face, which possibilities they have, and which advances international judicial practice has been able to make in protecting the environment.

### **Africa**

**Ako, R. 2014. Environmental justice in Nigeria's Oil Industry: Recognizing and Embracing Contemporary Legal Developments. In Percival, R.V., et al. (eds), *Global Environmental Law at a Crossroads*, pp. 160-176. Cheltenham: Edward Elgar.**

**<https://doi.org/10.4337/9781783470853.00016>**

Acknowledging the varying socio-political and economic contexts of Nigeria's oil industry-related violent conflicts, this chapter posits that the legal framework gives rise to these conflicts. Particularly, the laws relating to the ownership and control of natural resources, public participation, and environmental justice significantly contribute to violent conflicts in this oil-rich region.

**Boshoff, E. 2020. The Best Interest of the Child and Climate Change Adaptation in Sub-Saharan Africa. In M. Addaney, E. Boshoff and M.G. Nyarko (eds), *Governance, Human Rights, and Political Transformation in Africa*, pp. 359–386. New York: Springer.**

**[https://doi.org/10.1007/978-3-030-27049-0\\_14](https://doi.org/10.1007/978-3-030-27049-0_14)**

This chapter uses a comparative approach to best practices from national policies in South Africa, Kenya and Nigeria, and regional and international best practices in order to extract the elements of the best interest of the child in the context of climate adaptation in Sub-Saharan Africa.



**Eghosa, E., and Okumagba, E. 2023. Climate Change, Multinationals and Human Rights in Nigeria: A Case for Climate Justice. Forthcoming in Bouwer, K, et al. (eds), *Climate Litigation and Justice in Africa*. Bristol University Press. Available at SSRN: <https://ssrn.com/abstract=4320843>**

This book chapter highlights some of the recent reforms or initiatives by the Nigerian government in improving climate justice in the country. This chapter discusses the potential of climate change litigation in Nigeria as one of the strategies that can be used in ventilating climate justice issues in the country.

**Eghosa, E., and Obani, P. 2022. Women and Environmental Justice Issues in Nigeria: An Evaluation. In Dawuni, J. (ed), *Intersectionality and Women's Access to Justice*, pp. 259- 283. Lexington Books. <https://www.afronomicslaw.org/category/analysis/transnational-litigation-and-climate-change-nigeria>**

This chapter focuses on the use of protests and the potential of reliance on litigation in improving access to environmental justice for women, particularly in the rural parts of the Niger Delta region, where there are significant environmental impacts from the operations of the oil and gas industry.

**Etemire, U. 2021. Climate Litigation in Nigeria: Challenges and Opportunities. In Sindico F., and Mbengue, M.M. (eds), *Comparative climate change litigation: beyond the usual suspects*. pp. 409-426. Cham, Switzerland: Springer Nature. [https://doi.org/10.1007/978-3-030-46882-8\\_21](https://doi.org/10.1007/978-3-030-46882-8_21)**

This chapter assesses, from diverse perspectives, the status and possibility of climate change-related litigation by individuals before national courts in Nigeria. The analysis reveals that, though desirable, climate change litigation in Nigeria is, at best, in its infancy, and that a lot needs to be done to more fully and effectively realise its potential in the country. The author offers some ideas for a way forward.

**Field, T.L. 2021. Climate Change Litigation in South Africa: Firmly out of the Starting Blocks. In I. Alogna, C. Bakker and J.P. Gauci (eds), *Climate Change Litigation: Global Perspectives*, pp. 173-198. Leiden: Brill. [https://doi.org/10.1163/9789004447615\\_009](https://doi.org/10.1163/9789004447615_009)**





The chapter outlines South Africa's climate change context and response, the litigation landscape and the current suite of decided and pending climate-change-related cases.

**Iheka, C. 2017. *Naturalising Africa*. Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781108183123>**

In this book, Cajetan Iheka analyses how African literary texts have engaged with pressing ecological problems in Africa, including the Niger Delta oil pollution in Nigeria, ecologies of war in Somalia, and animal abuses. The book grapples with human and non-human entanglements from an African perspective, and is useful for understanding multi-species (in)justice.

**Iheka, C. 2021. *African Ecomedia: Network Forms, Planetary Politics*. Durham: Duke University Press. <https://www.dukeupress.edu/african-ecomedia>**

The book examines the ecological footprint of media in Africa alongside the representation of environmental issues in visual culture. Iheka shows how, through visual media such as film, photography, and sculpture, African artists deliver a unique perspective on the socioecological costs of media production, from mineral and oil extraction to the politics of animal conservation. Using diverse media and captivating stories this award-winning book exposes environmental injustice in Africa.

**Jegade, A.O. 2016. *The Climate Change Regulatory Framework and Indigenous Peoples' Lands in Africa: Human Rights Implications*. Pretoria: Pretoria University Law Press <https://www.pulp.up.ac.za/monographs/the-climate-change-regulatory-framework-and-indigenous-peoples-lands-in-africa-human-rights-implications>**

This book examines the regulatory frameworks which relate to climate change at international, regional and national levels, as they affect indigenous peoples' lands in Africa. It demonstrates how, at the national level especially, a climate change regulatory framework can offer inadequate protection to indigenous peoples' land tenure and use, a development that can negatively affect the realisation of their rights. The book explores how the regional human rights framework in Africa can be employed to address the inadequacy.

**Jegade, A.O. 2021. *Climate Change Displacement and Socio-Economic Rights of the Child under the African Human Rights System in Gibney et al (eds), *The Routledge Handbook on****



***Extraterritorial Human Rights Obligations* pp. 182-95. London: Routledge. doi. 10.4324/9781003090014-17**

This chapter articulates the extraterritorial connection of climate change to displacement and the socio-economic rights of children as enshrined in key instruments of the African human rights system. Additionally, it explores the potential role of extraterritorial obligations (ETOs) in mitigating the adverse threats of climate-induced displacement on children's socio-economic rights within the African human rights framework.

**Jegede, A.O. 2018. Themes and Structures of Environmental Constitutionalism. In Daly, E and May, J.R (ed). *Implementing Environmental Constitutionalism: Current Global Challenges*, pp. 84–99. Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781316691588.006>**

The contribution illustrates that the concept of environmental constitutionalism is useful in addressing climate change challenges at the national levels. Further, by drawing examples from states such as Tunisia, Ecuador and the Dominican Republic, the author arrives at the conclusion that inserting a climate change clause in national constitutions, as an approach in strengthening environmental constitutionalism as a legal response to climate change at the domestic level is beneficial, yet not perfect.

**Jegede, A.O., and Addaney, M. 2020. *Human Rights and the Environment under African Union Law*. Cham: Palgrave Macmillan**

This book brings together original and novel perspectives on major developments in human rights law and the environment in Africa. Focusing on African Union law, the book explores the core concepts and principles, theory and practice, accountability mechanisms and key issues challenging human rights law in the era of global environmental change. It, thus, extends the frontier of understanding in this fundamental area by building on existing scholarship on African human rights law and the protection of the environment, divulging concerns on redressing environmental and human rights protection issues in the context of economic growth and sustainable development. It further offers unique insight into the development, domestication and implementation challenges relating to human rights law and environmental governance in Africa.

**Jegede, A.O., and Adejonwo, O. 2022. *Climate Change Justice and Human Rights: An African Perspective*. Pretoria University Law Press**



This volume provides insightful analyses on a range of topical themes related to using a human rights-based approach as a means of achieving climate justice for vulnerable populations in Africa.

**Murcott, M.J. 2018. The Procedural Right of Access to Information as a Means of Implementing Environmental Constitutionalism in South Africa. In E., Daly, and J.R., May (eds). *Implementing Environmental Constitutionalism: Current Global Challenges*, pp.193-203. Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781316691588.012>**

This chapter shows how the judgment in *Company Secretary of Arcelormittal South Africa Ltd v Vaal Environmental Justice Alliance* is an instance of the horizontal application of a procedural environmental right to access to information that advanced environmental constitutionalism in South Africa. The author argues that the approach to the implementation of procedural environmental rights adopted in this case is particularly important in South Africa because it stands to contribute toward the country's project of transformative constitutionalism and the promotion of social justice.

**Murcott, M.J. 2022. *Transformative Environmental Constitutionalism*. Brill: Leiden-Boston. [https://doi.org/10.1163/9789004509405\\_001](https://doi.org/10.1163/9789004509405_001)**

This book addresses the judiciary of South Africa's failure, in general, to recognise in the adjudication of environmental law disputes that social injustices are connected to harmful environmental conditions and thus to environmental and climate injustices for poor people of South Africa. It offers a legal theory of transformative environmental constitutionalism as a means, in the adjudication of environmental law disputes, to foster an appreciation from a socio-ecological systems perspective, of the interconnected nature of social, environmental, and climate injustices, particularly in the socio-ecological crisis of the Anthropocene. Murcott argues that the implementation of a legal theory of transformative environmental constitutionalism by the judiciary could facilitate the emergence of a social justice-oriented environmental law jurisprudence more responsive to the plight of vulnerable people in the Global South. She illustrates the potential of transformative environmental constitutionalism through analysis of various cases, including climate cases.

**Okumagba, E. 2021. Examining global court practices in reducing climate change impacts through litigation: Lessons for Nigeria. In Ekhatior, E., et al. (eds), *Implementing the***



***Sustainable Development Goals in Nigeria: Barriers, Prospects and Strategies*, pp. 98-118. Routledge.**

**<https://www.taylorfrancis.com/chapters/edit/10.4324/9781003133469-10/examining-global-court-practices-reducing-climate-change-impacts-litigation-edward-okumagba>**

The chapter examines the impacts of global climate change by preventing its occurrences in Nigeria. It proposes the use of climate litigation by adopting a doctrinal research method in appraising international conventions, judicial cases, as well as scholarly literature to achieve its objectives.

**Omuko-Jung, L.A. 2021. *Climate Change Litigation in Kenya: Possibilities and Potentiality*. In Sindico, F., and M.M. Mbengue (eds), *Comparative climate change litigation: beyond the usual suspects*, pp. 387-408. Cham, Switzerland: Springer.**

**[https://doi.org/10.1007/978-3-030-46882-8\\_20](https://doi.org/10.1007/978-3-030-46882-8_20)**

In this chapter, the author argues that the Kenyan legal system provides avenues for climate litigation through both public and private law. From the perspective of public law, the government can be sued for noncompliance with international climate obligations, and it is possible to challenge the decisions of public officers for failure to consider climate change in decision-making. In addition, the Constitution provides an avenue to litigate climate change as a human rights issue. From the perspective of private law, the causes of action of negligence, trespass, nuisance, and strict liability as commonly used in environmental litigation can be used to sue private entities for climate violations. Finally, the Chapter concludes that legal, social, and financial constraints have hindered climate litigation in Kenya.

**Stewart, N.F. 2018. *Challenges and Opportunities in Implementing Environmental Constitutionalism in Nigeria*. In E. Daly and J.R. May (eds), *Implementing Environmental Constitutionalism: Current Global Challenges*, pp. 180-192. Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781316691588.011>**

This chapter discusses the challenges and opportunities of constitutional environmental protection in Nigeria. Within this purpose, the analysis reveals the two major challenges plaguing environmental constitutionalism in Nigeria to be (a) the non-justiciability provision of the Constitution - section 6(6)(c); and (b) lack of political will, due to the prioritisation of



economic development over environmental protection. In addition to the challenges, the paper posits that there are opportunities in the Constitution that allow for the circumvention of the challenges, namely, (a) the 'harmonious construction of the fundamental rights to life and dignity; and (b) accessing environmental justice through the Fundamental Rights Enforcement Procedure (FREPE) Rules 2009.

### **Asia and the Pacific Islands**

**Boer, B. 2015. Environmental Law and Human Rights in the Asia-Pacific. In Boer, B. (ed) *Environmental Law Dimensions of Human Rights*, pp. 134-179. Oxford: Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780198736141.003.0006>**

Although this book chapter does not discuss climate change litigation in Asia, it provides comprehensive information on environmental policies within Asia, the basis on which climate change litigation is based.

**Lin, J., and Kysar, D. A. (eds), 2020. *Climate Change Litigation in the Asia Pacific*. Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781108777810>**

This book engages in an in-depth review and analysis of climate change litigation within the Asia-Pacific. Some chapters focus more on cases, such as *Carbon Majors* in the Philippines, while others focus on a sub-region, like the Pacific Islands. An entire section is dedicated to climate change litigation within China.

**Mustafa, M. 2020. Climate Change Litigation: A Possibility for Malaysia? In J. Lin. and D. A. Kysar (eds), *Climate Change Litigation in the Asia Pacific*, pp. 207-233. Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781108777810.010>**

This chapter discusses the potential for climate change litigation in Malaysia. It focuses on self-regulation as a strategy in climate change litigation, analyses current environmental policies in Malaysia, and the possibility of climate change litigation based on these policies.

**Ohdedar, B. 2021. Climate Change Litigation in India and Pakistan: Analyzing Opportunities and Challenges. In I. Alogna, C. Bakker and J.P. Gauci, (eds) *Climate Change Litigation: Global Perspectives*. pp. 103-123. Boston: Brill Nijhoff. [https://doi.org/10.1163/9789004447615\\_006](https://doi.org/10.1163/9789004447615_006)**



This chapter provides insight into climate litigation within India and Pakistan, including cases such as *Asghar Leghari v. Pakistan* and *Swaraj Abhiyan v. Union of India*. The author contextualises these cases against climate change policies within India and Pakistan.

**Wewerinke-Singh, M. 2020. Litigating Human Rights Violations Related to the Adverse Effects of Climate Change in the Pacific Islands. In J. Lin, D.A Kysar (eds), *Climate Change Litigation in the Asia Pacific*, pp. 94-119, Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781108777810.006>**

This chapter does a deep dive into the potential for climate change litigation in Small Island Developing States. The author notes that although there are not yet any rights-based climate cases in this region, there is great potential for such litigation to occur. It analyses potential plaintiffs and issues on which these plaintiffs can bring cases forward.

**Wibisana, A., and Cornelius, C. 2020. Climate Change Litigation in Indonesia. In Lin, J., and Kysar, D.A. (eds), *Climate Change Litigation in the Asia Pacific*, pp. 234-260. Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781108777810.011>**

This chapter focuses on climate litigation in Indonesia. The authors analyse the issues on which this litigation is based, for example, illegal logging activities and peatland fires. It also discusses tort-based litigation specifically.

**Zhou, C., and Qin, T. 2021. Prospects for Climate Change Litigation in China. In Alogna, I., Bakker, C., and Gaucci, J.P. (eds), *Climate Change Litigation: Global Perspectives*, pp. 244-268. Boston: Brill Nijhoff. [https://doi.org/10.1163/9789004447615\\_012](https://doi.org/10.1163/9789004447615_012)**

This chapter discusses the current state of climate change litigation in China. The authors evaluate the legal sources for climate change litigation in China, including procedural and substantive rules on which these cases are based. The authors provide a thorough insight into current climate change litigation in China, despite noting the lack of information and research on such litigation. They further analyse how climate change litigation can be developed in future.



## Latin America

**Dantas, M.B. 2018. Implementing Environmental Constitutionalism in Brasil. In Daly, E. and May, J.R. (eds), *Implementing Environmental Constitutionalism: Current Global Challenges*, pp. 129-142. Cambridge: Cambridge University Press.  
<https://doi.org/10.1017/9781316691588.008>**

The author examines the main provisions concerning environmental law in the Brazilian Federal Constitution and their relation to the legislation and the extent to which they have been implemented so far. The article further notes that although many cases have been brought to different courts throughout Brazil, and decisions representing a real commitment to environmental protection have been issued, enforcement is still not as effective as it should be.

**De La Rosa Jaimes, V. 2016. Climate Justice Litigation in the Inter-American Human Rights System to Protect Indigenous Peoples in Mexico. In R. Abate (ed) *Climate Justice: Case Studies in Global and Regional Governance Challenges*. pp.623-646. Washington D.C.: Environmental Law Institute.**

In this chapter, the author thoroughly examines climate change policies and litigation within Mexico and the Inter-American Human Rights System (IAHRS). The chapter includes a comprehensive analysis of the IAHRS and the rights it protects within climate litigation. The author explores the meaning and challenges of this critical climate justice litigation and aims to provide factual and legal arguments to explain why fairness should be the guiding principle for the creation of international and national climate-related policy and responses.

**Del Pilar García Pachón, M., Vilorio, A., and de la Rosa Calderón, M.D. 2021. Climate Change Litigation in Colombia. In: Sindico, F. and Mbengue, M.M. (eds), *Comparative Climate Change Litigation: Beyond the Usual Suspects*, pp. 53-74. Cham, Switzerland: Springer Nature.  
[https://doi.org/10.1007/978-3-030-46882-8\\_3](https://doi.org/10.1007/978-3-030-46882-8_3)**

This chapter analyses climate change litigation in Colombia. It provides a detailed breakdown of climate cases within Colombia, including cases filed against public and private actors.

**Feria-Tinta, M. 2021. Climate Change as a Human Rights Issue: Litigating Climate Change in the Inter-American System of Human Rights and the United Nations Human Rights**



**Committee. In: Alogna, I. Bakker, C., and Gauci, J.P. (eds), *Climate Change Litigation: Global Perspectives*. pp.310-342. Boston: Brill Nijhoff. [https://doi.org/10.1163/9789004447615\\_015](https://doi.org/10.1163/9789004447615_015)**

The author analyses climate change litigation and policies within the UNHRC and IAHRs contexts. The article briefly presents the evaluation of human rights and environmental law and corresponding duties, such as the duty to prevent transboundary harm in those contexts.

**Feria-Tinta, M. 2022. Inter-American Court of Human Rights. In Sobenes, E., Mead, S., and Samson B. (eds), *The Environment Through the Lens of International Courts and Tribunals*, pp. The Hague: T.M.C. Asser Press. <https://doi.org/10.1007/978-94-6265-507-2>**

This chapter provides an analysis of climate change litigation within the Inter-American system. The author especially notes Advisory Opinion 23 as a landmark opinion for climate change litigation corpus and gives detailed insight into notable cases within Latin America, including in Peru, Belize, Argentina, and Ecuador.

**Ferreria, H.S., Serraglio, D.A. and Mendes, R.L.M. 2018. Activity of the Brazilian Judiciary in the Amazon and Cerrado Biomes Aimed at Combating Global Warming. In Voight, C., and Makuch, Z. (eds), *Courts and the Environment*, pp. 2-34. Northampton: Edward Elgar Publishing. <https://doi.org/10.4337/9781788114677.00008>**

This chapter focuses on the Brazilian judiciary's role in protecting the environment. The authors critically analyse this role and evaluate how the judiciary has used certain legislation in protecting the environment.

**Gargarella, R., et al. 2006. Courts, Rights and Social Transformation: Concluding Reflections. In Gargarella R., et al. (eds), *Courts and Social Transformation in New Democracies – An Institutional Voice for the Poor?* pp. 255–281. London: Routledge. <https://doi.org/10.4324/9781315259079>**

In this concluding chapter from the book 'Courts and Social Transformation in New Democracies', the authors refute the argument that social rights are inherently non-justiciable and identify the conditions most favourable to their enforcement. The chapter argues that the evolution of the rights-based approach to development, and a greater willingness among





political groups to use the courts to effect change have contributed to the increase in successful social rights claims.

**Ghosh, S. Climate Litigation in India. 2021. In Sindico, F., and Mbengue, M.M. (eds). *Comparative climate change litigation: beyond the usual suspects*, pp. 347-367. Cham, Switzerland: Springer. [https://doi.org/10.1007/978-3-030-46882-8\\_18](https://doi.org/10.1007/978-3-030-46882-8_18)**

The chapter offers a review of the legal and regulatory landscape in India. The author reveals that the main environment and energy-related laws, policies and regulatory processes provide several hooks to bring climate claims to courts. While there have been cases where courts have referred to climate concerns, there is yet to be a judicial decision on the justiciability of climate claims, or one that directs measures specifically for mitigation or adaptation. The jurisdiction of the Supreme Court of India and the High Courts as well as that of the National Green Tribunal is mentioned as being quite broad, and the chapter argues that they could potentially decide various types of climate claims.

**Maldonado, D.B. 2015. International Law, Cultural Diversity, and the Environment: The Case of the General Forestry Law in Colombia. In Alam S., et al. (eds), *International Environmental Law and the Global South*. pp.508-528. Cambridge: Cambridge University Press. <https://doi.org/10.1017/CBO9781107295414.025>**

The author examines climate change policies and litigation in Colombia through a strategic litigation lens. He analyses these cases, including the role of the Colombian Constitution, and how it has been used to further climate change litigation within Colombia.

**Maya-Aguirre, A.L. 2018. Implementing Environmental Constitutionalism in Colombia. In Daly, E. and May, J.R. (eds). *Implementing Environmental Constitutionalism: Current Global Challenges*, pp. 143-158. Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781316691588.009>**

This book chapter examines how the Colombian Constitutional Court has implemented environmental constitutionalism, including by creating arenas for effective participation, effectuating public policy established in the constitution, and enforcing orders to protect the environment. Then, the chapter elucidates impediments to implementation in Colombia,



including that the country's economic model is extraction-based and business-friendly, subject to incipient corruption, and recovering from long-running armed conflict.

**Neves, J.R., and Vega K.V., 2021. Climate Change and the Individual: The Brazilian Perspective. In Sindico, F., and Mbengue, M.M. (eds) *Comparative climate change litigation: beyond the usual suspects*. pp. 309-321. Cham, Switzerland: Springer  
[https://doi.org/10.1007/978-3-030-46882-8\\_15](https://doi.org/10.1007/978-3-030-46882-8_15)**

The author offers an overview of environmental litigation in Brazil and, in particular, of the mechanisms to protect both individual and collective rights to an ecologically balanced environment, as set forth by Art. 225 of the Brazilian Constitution of 1988. In accordance with the findings of the author, either the government or other public authority, individuals, a private company, or any group can be held responsible for the harmful conduct. Liability for environmental damages is, as a rule, joint and several, and the damage must be repaired in full.

**Setzer, J., Leal, G.J.S., and Borges, C. 2021. Climate Change Litigation in Brazil: Will Green Courts Become Greener? In: Alogna, I., Bakker, C., and Gauci, J.P. (eds) *Climate Change Litigation: Global Perspectives*, pp. 143-172. Boston: Brill Nijhoff.  
[https://doi.org/10.1163/9789004447615\\_008](https://doi.org/10.1163/9789004447615_008)**

The authors provide a comprehensive examination of climate change litigation in Brazil. They begin this discussion against the backdrop of Brazil's legal regime surrounding climate policies. They discuss both direct and indirect climate change litigation in Brazil. They conclude with the future of climate change litigation in Brazil, including the actors who can engage in such litigation.

**Rosales, R.G. Climate Change and the Individual in Mexico. 2021. In Sindico, F. and Mbengue, M.M. (eds). *Comparative climate change litigation: beyond the usual suspects*, pp. 277-286. Cham, Switzerland: Springer [https://doi.org/10.1007/978-3-030-46882-8\\_13](https://doi.org/10.1007/978-3-030-46882-8_13)**

The chapter points out that although Mexico has a solid legal and policy framework on climate change, there are no records of individuals bringing a case before courts on climate change grounds. In parallel, the chapter argues that no companies have been sued for failing to reduce their greenhouse gases or to get them to pay for damages resulting from global warming. Then



the chapter suggests that as a way forward, climate litigation in Mexico could be developed by placing human rights as the central argument of future claims.

**Tigre, M.A. 2018. Implementing Constitutional Environmental Rights in the Amazon Rainforest. In Daly, E. and May, J.R. (eds). *Implementing Environmental Constitutionalism: Current Global Challenges*, pp. 59-83. Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781316691588.005>**

Tigre investigates the constitutional provisions concerning the environment in Amazonia and analyses how environmental constitutionalism advances the protection of the rainforest. With the information gathered from the new constitutions that reflect recent constitutional trends in terms of environmental protection, the author questions whether these are just proclamations on paper, or whether they can potentially induce real change.

**Villavicencio Calzadilla, P. 2021. Litigating Climate Change in Bolivian National Courts. In Sindico, F. and Mbengue, M.M. (eds), *Comparative Climate Change Litigation: Beyond the Usual Suspects*, pp. 59-83. Cham, Switzerland: Springer. [https://doi.org/10.1007/978-3-030-46882-8\\_12](https://doi.org/10.1007/978-3-030-46882-8_12)**

This chapter is a resource for understanding climate change litigation in Bolivia. It categorises cases based on the actors within each case, providing an overview into who is involved.



## Journal Articles

### General

**Abi Deivanayagam, T., et al. 2023. Envisioning environmental equity: climate change, health, and racial justice. *The Lancet* 402 (10395). doi.org/10.1016/S0140-6736(23)00919-4**

In this paper, the authors claim that climate change and its relation to health is understudied. In order to reveal health implications of climate change, the paper first reviews the literature on the unequal health impacts of climate change, specifically exploring the influence of racism, xenophobia, and discrimination through a comprehensive scoping review. The findings indicate that racially minoritised groups, migrants, and Indigenous communities face an inequitable burden of illness and mortality due to climate change in diverse contexts. Secondly, the paper seeks to shed light on inequalities regarding responsibility for climate change and its consequences. The study conducted a geographical visualisation to map responsibility for climate change and projected mortality and disease risk attributable to climate change per 100,000 people in 2050. These visual representations underscore the disproportionate burden of illness and mortality faced by the Global South as a result of climate change. Lastly, the paper brings attention to the pathways through which climate change, discrimination, and health intersect in the most affected regions. Throughout the paper, case studies, testimonies, and policy analyses from various disciplines are presented to illustrate these pathways.

**Alabi, S.A. 2012. Using Litigation to Enforce Climate Obligations under Domestic and International Laws. *Carbon & Climate Law Review* 2012 (3): 209-220. <https://www.jstor.org/stable/24323907>**

This article explores the use of litigation as an alternative way to combat climate change and proposes two main questions. First, how effective is climate litigation in reshaping global responses to climate change? Second, how strong is litigation in enforcing climate obligations (mitigation and adaptation)? In answering these questions, this article analyses domestic and international climate cases to determine whether there has been or will be progress using climate litigation.

**Baxi, U. 2016. Towards a climate change justice theory? *Journal of Human Rights and the Environment* 7(1): 7-31. doi: 10.4337/jhre.2016.01.01**



Approaches to justice are an infrequent phenomenon in the analysis of global change policies pursued by states and international organisations but are writ large in global civil society protests and advocacy. The author in this paper asks questions about how different theories of climate justice may be from theories about global justice and environmental justice. Furthermore, according to the author, another important difference between theories of environmental justice and theories of climate justice concerns the notion of ‘generations’ in theories of climate justice.

**Benjamin, L. 2021. Group Companies and Climate Justice. *Current Legal Problems* 74(1): 235–267. <https://doi.org/10.1093/clp/cuab007>**

This article highlights recent decisions by the Court of Appeal and Supreme Court in the United Kingdom that imposed duties on parent companies for environmental damage caused by their subsidiaries and argues that these cases illustrate a tension between company law as interpreted in the Global North, and climate and environmental justice as experienced in the Global South. Furthermore, it is argued that climate change forces a reconceptualization of company law, including transnational corporate liability. These reconsiderations are not only appropriate but given the contested histories of many of these companies in the Global South, long overdue.

**Benjamin, L., and Thomas, A. 2022. Gender and Climate Justice – Implications for Policy Formation in the Caribbean Region. *Loyola Law Review* 66(3): 29-369.**

In this article, the authors assess thirteen international and regional policies through the lens of the physical, economic, and political autonomy of the women in the Caribbean region. The article identifies significant gaps and opportunities that exist for policy formation in the region in the context of gender and climate change.

**Bouwer, K. 2018. The Unsexy Future of Climate Change Litigation. *Journal of Environmental Law* 30(3): 483–506. <https://doi.org/10.1093/jel/eqy017>**

This article argues that a preoccupation with high-profile cases can divert attention from other important issues litigated within the broader climate change context. The article highlights four key and interrelated considerations that would inform a future conception of climate change litigation. First, climate litigation occurs across scales, and smaller cases at lower levels of governance are as important as more high-profile cases, for myriad reasons. Second, climate



change litigation can engage all elements of good climate response, not just emissions abatement. Third, the extent of private law's potential contribution tends to be overlooked. Fourth, ignoring 'invisible' climate change cases—or invisible issues within those cases—can result in perilous consequences for climate change policy.

**Bouwer, K. 2021. Substantial Justice?: Transnational Torts as Climate Litigation. *Carbon and Climate Law Review* 15(2): 188-203. <https://doi.org/10.21552/cclr/2021/2/9>**

This paper offers to do three things. First, it examines recent case law, questioning whether recent developments in transnational tort cases have opened a route to transnational climate litigation. Second, it examines and reframes existing environmental harm cases, arguing that these are characteristic of Global South climate litigation, and should be analysed as such. Third, it examines the benefits and pitfalls of this reframing, highlighting the distinction between the analysis and the strategy of transnational climate cases as climate litigation.

**Cock, J. 2011. 'Green Capitalism' or Environmental Justice? A Critique of the Sustainability Discourse. *Focus* 63: 45–51.**

Jackie Cock argues that the threat of ecological collapse means that there is an urgent need for debate and a questioning of the appropriation of the sustainability discourse by capitalist interests, as well as the economic bias which ignores how the emphasis on growth furthers negative distributional and environmental impacts.

**Daly, E. 2018. Environmental Constitutionalism in Defense of Nature. *Wake Forest Law Review* 53: 667 – 690.**

This article examines some of the most innovative ways constitutional courts have sought to vindicate rights to better protect nature and natural resources. It describes how the limitations on human rights law impact the protection of natural resources and suggest that constitutional law can help to fill some of these gaps, creating new opportunities for the vindication of environmental and human rights.

**Daly, E., and May, J.R. 2015. Comparative Environmental Constitutionalism. *Jindal Global Law Review* 6: 9-30. <https://doi.org/10.1007/s41020-015-0001-8>**



As more and more countries around the globe are amending their constitutions to recognise environmental rights and duties relating to air, water, the use of natural resources, sustainability, climate change, and more, courts are increasingly engaging with these provisions and developing common constitutional law of environmental rights. This article examines this growing jurisprudence and surveys the central axes around which debates about environmental constitutionalism revolve.

**Daly, E., and May, J. 2016. Bridging Constitutional Dignity and Environmental Rights Jurisprudence. *Journal of Human Rights and the Environment* 7(2): 218–242.**

After sampling both dignity and environmental rights jurisprudence and then examining the associations between the two, this article concludes that environmental and dignity rights jurisprudence can correspond in more mutually complementary ways. In this regard, the authors arrive at two main conclusions. First, dignity can play a more prominent place in judicial treatment of environmental rights. Second, dignity rights jurisprudence can do more to engage the ways in which environmental degradation diminishes human dignity.

**Ganguly, G., et al. 2018. If at First You Don't Succeed: Suing Corporations for Climate Change. *Oxford Journal of Legal Studies* 38(4): 841–868.**

This article discusses the history and the future prospects of private climate litigation, which aims to hold private entities legally accountable for climate change-related damage or threats of damage. The article argues that following failed attempts to clear judicial thresholds with regard to standing, proof of harm and causation, a new wave of private climate change lawsuits can be identified, and it is by no means doomed to failure.

**Gewin, V. 2023. Pack up the parachute: Why global North-South collaborations need to change. *Nature* 619(7971):885-887. doi: 10.1038/d41586-023-02313-1.**

According to the author, the geosciences field illustrates a significant prevalence of parachute research practices, especially in Africa. Approximately 3,500 high-impact geoscience articles are published annually, with only about 3.9% of them focusing on African regions. Strikingly, a mere 30% of these articles include an African researcher as an author. In this regard, the author interviewed four researchers from the Global South who asserted that it is high time for their global-north counterparts to abandon parachute research practices and engage in open discussions about fostering equitable collaborations.



**Gonzalez, C.G. 2015. Environmental Justice, Human Rights, and the Global South. *Santa Clara Journal of International Law* 13(1): 151-195.**

**<https://digitalcommons.law.scu.edu/scujil/vol13/iss1/8>**

This article examines the advantages and disadvantages of environmental human rights as a means of challenging environmental injustice within nations as well as the North-South dimension of environmental injustice. The article concludes that there is a tension between human rights discourse as an instrument of grassroots resistance and its appropriation by Northern states to reinforce North-South economic and political dominance.

**Gonzalez, C.G. 2021. Racial capitalism, climate justice, and climate displacement. *Oñati Socio-Legal Series* 11(1): 108–147.**

The author expands upon the general understanding of climate justice by demonstrating how racial subordination, environmental degradation, and the fossil fuel-based capitalist world economy are interrelated. The article uses these insights to critique the emerging legal and policy responses to climate change-induced displacement and to examine alternative approaches emerging from climate-vulnerable states and peoples. The author argues that racialized communities all over the world have borne the brunt of carbon capitalism from cradle (extraction of fossil fuels) to grave (climate change and its casualties) and that a race-conscious analysis of climate change and climate displacement can reveal the commonalities among seemingly distinct forms of oppression in order to forge the alliances necessary to achieve just and emancipatory outcomes.

**Gonzalez, C.G. 2018. Climate Justice and Climate Displacement: Evaluating the Emerging Legal and Policy Responses. *Wisconsin International Law Journal* 36(2): 366–396.**

This article analyses the implications of the Paris Agreement and the Sustainable Development Goals for persons who are forced to flee their homes due to climate change. The article defines climate-displaced persons as those who are either temporarily or permanently displaced within their own country of residence or who cross borders due to climate change-related events (i) disasters, (ii) significant environmental damage, or (iii) slow-onset environmental deterioration.

**Gonzalez, C.G. 2023. The Right to a Healthy Environment and the Global South. *AJIL Unbound* 117, 173-178. doi:10.1017/aju.2023.26**





This article delves into the implications of the right to a healthy environment concerning the longstanding criticisms of international human rights law as a project and product of the Global North. It explores the origins of the right to a healthy environment in the Southern regions and its interpretations within regional human rights tribunals. The author's analysis centres on the evolving jurisprudential responses to several objections raised against human rights-based approaches to environmental protection. As per the author, these objections encompass concerns about the individualistic nature of the human rights-based framework, its anthropocentric focus, its inadequacy in addressing transboundary harm, and its failure to challenge economic laws that perpetuate environmental degradation.

**Humphreys, S. 2023. Equity before 'Equity'. *The Modern Law Review* 86(1): 85-121. doi.org/10.1111/1468-2230.12750**

The author discusses how the notion of 'equity' is currently undergoing a conceptual repositioning in international law. This repositioning involves embracing individuals, in addition to states, and establishing an association with human rights and the politics of protest. In light of these developments, the paper delves into the premodern origins of this ancient and rich term through three historical vignettes. The first vignette explores the emergence of 'aequitas' in Roman law, where it served as a source of law based on analogy and empathy, with a particular focus on its relevance to the ambiguous status of slaves. Moving on, the second vignette examines the importance of 'natural equity' during the 14th-century Franciscan poverty debate in Europe, contributing to the consolidation of 'natural rights'. Finally, the third vignette investigates 'common equity' within the rights-based constitutional order proposed by the Levellers in 1640s England. The author concludes that what they refer to as 'radical equity' has historically lent itself to a trenchant critique of the law, with a central emphasis on the individual as the subject of rights.

**Jegade, A.O. 2020. Arguing the Right to a Safe Climate Under the UN Human Rights System. *International Human Rights Law Review* 9(2): 184-212. https://doi.org/10.1163/22131035-00902001**

Based on the vulnerability of human populations and the essential compliance with yardsticks for a new human right, the article argues for the creation of the right to a safe climate and advances two approaches by which it can be achieved under the UN human rights system.



**Kavuri S., and Ramanathan, A. 2022. Climate Change Litigation: Chronicles from the Global South. A Comparative Study. *Comparative Law Review* 169-199**

The authors argue that climate litigation of courts in the Global North have received prominence in much of the climate law scholarship, while the rest of the world is often slated to be sleeping silently. In doing so, the authors endeavour to highlight important contributions by the courts in the Global South in furthering the jurisprudence of climate change litigation.

**Knox, J.H., and Voigt, C. 2020. Introduction to the Symposium on Jacqueline Peel & Jolene Lin, 'Transnational Climate Litigation: The Contribution of the Global South'. *AJIL Unbound* 114: 35-39. doi:10.1017/aju.2020.2**

This article introduces the symposium in which various scholars and practitioners participated to cover issues raised by Peel and Lin's article on climate litigation in the Global South. Jacqueline Peel and Jolene Lin explain that scholarly attention is given to Global North cases and voices from the Global South have largely been ignored. This symposium invited a number of scholars and practitioners to share their reflections on Peel and Lin's article.

**Kotze, L.J. 2015. The Conceptual Contours of Environmental Constitutionalism. *Widener Law Review* 21: 187-200.**

This article identifies the broad conceptual characteristics of environmental constitutionalism.

**Lindsay, P.A. 2022. Shepherding Sub-Saharan Africa's Wildlife Through Peak Anthropogenic Pressure Toward a Green Anthropocene. *Annual Review of Environment and Resources* 47: 91-121.**

The article argues that elevated consumption in wealthier countries and the demands of international corporations manifest in significant resource extraction from Sub-Saharan Africa as well as rapidly growing human populations, which constitute risks. In response to those risks, the article proposes to outline critical steps needed to shepherd Sub-Saharan Africa's biodiversity into the Green Anthropocene epoch.

**Lin, J. 2021. The Emergence of Climate Litigation in the Global South. *Proceedings of the ASIL Annual Meeting* 114: 85-86. <https://doi.org/10.1017/amp.2021.11>**



This article argues that climate litigation in the Global South tends to be couched in rights-based claims due to the fact that many jurisdictions in the Global South have embedded environmental rights in their constitutions and, in some cases, courts have interpreted the right to life to include the right to a clean and healthy environment.

**May, J., 2021. The Case for Environmental Human Rights. *Cardozo Law Review* 42(3): 983–1038.**

**<http://cardozolawreview.com/the-case-for-environmental-human-rights-recognition-implementation-and-outcomes/>**

This article argues that although environmental human rights have found footholds about half the world over, judicial recognition has been slow and mixed in results. The argument is made that there remain few cases from the courts that issue controlling opinions, engaging environmental rights, leaving many opportunities for the development of legal principles. Finally, the author argues that there is demonstrable evidence that legal recognition of a right to a healthy environment improves environmental outcomes, suggesting a need for further interrogation.

**Medici-Colombo, G., and Wegener, L. 2019. The Value of Climate Change-Impacted Litigation: An Alternative Perspective on the Phenomenon of ‘Climate Change Litigation’. *Working Paper No. 12, October 2019. University of Strathclyde, Glasgow.***

**[https://www.strath.ac.uk/media/1newwebsite/departmentsubject/law/strathclydecentreforenvironmentallawandgovernance/pdf/workingpapers/12\\_The\\_Value\\_of\\_Climate\\_Change-Impacted\\_Litigation\\_M%C3%83%C2%A9dici\\_Colombo\\_Wegener.pdf](https://www.strath.ac.uk/media/1newwebsite/departmentsubject/law/strathclydecentreforenvironmentallawandgovernance/pdf/workingpapers/12_The_Value_of_Climate_Change-Impacted_Litigation_M%C3%83%C2%A9dici_Colombo_Wegener.pdf)**

This working paper defines the concept of ‘climate change-impacted litigation’ and discusses the value of this new perspective.

**Murcott, M., Tigre, M.A., and Zimmermann, N. 2023. Transnational Insights for Climate Litigation at the European Court of Human Rights: A South-North Perspective in Pursuit of Climate Justice. *World Comparative Law* 56: 299-320.**

**<https://www.nomos-elibrary.de/10.5771/0506-7286-2023-2-299.pdf>**

In this comparative analysis the authors explain that the European Court of Human Rights (ECtHR) is currently adjudicating several important climate cases and could become a key player in responding to the climate crisis. From the point of departure that in a time of climate crisis



courts have a crucial role to play in advancing climate justice, the authors conceptualise climate (in)justice and its significance in climate adjudication. Then, they examine how, in addressing questions of standing and transboundary harm, looking beyond the European Convention on Human Rights legal regime to the Global South (South Africa and the Inter-American System of Human Rights, respectively) could offer valuable transnational insights as the ECtHR adjudicates climate cases. In doing so the authors contribute to the ongoing ‘transnationalisation’ of climate jurisprudence.

**Ohdedar, B. 2021. Climate Adaptation, Vulnerability and Rights-Based Litigation: Broadening the Scope of Climate Litigation Using Political Ecology. *Journal of Human Rights and the Environment*. <http://repository.essex.ac.uk/id/eprint/31333>**

This article examines the nexus between climate vulnerability, rights and litigation with a focus on the Global South. It argues that through a closer understanding of climate vulnerability, litigation can be a vehicle for adaptation by identifying and tackling the structural causes of vulnerability and rights issues.

**Osofsky, H.M. 2020. The Geography of Emerging Global South Climate Change Litigation. *AJIL Unbound* 114: 61-66. doi:10.1017/aju.2020.3**

This essay considers how the geography of climate change interacts with emerging climate change litigation. It begins by examining which countries from the Global South are involved, and argues that they are not a representative sample, but rather are among the largest greenhouse gas emitters and highest GDP countries in the Global South. It considers the implications of that pattern for the role of the litigation and its future pathways. The essay then turns to the substantive focus of the lawsuits and analyses ways in which they reflect the particular geography of mitigation and adaptation in those countries. It concludes by considering how these geographic patterns might influence the future of climate litigation’s impact on governance.

**Peel, J and Lin, J. 2019. Transnational Climate Litigation: The Contribution of the Global South. *American Journal of International Law* 113(4): 679-726. <https://doi.org/10.1017/ajil.2019.48>**

This article focuses on the Global South’s contribution to transnational climate litigation and argues that an analysis of the Global South’s experience is essential if transnational climate



jurisprudence is to contribute meaningfully to global climate governance, and to ensuring just outcomes for the most climate-vulnerable.

**Peel, J., and Osofsky, H.M. 2017. A Rights Turn in Climate Change Litigation? *Transnational Environmental Law* 7:1: 37-67. <https://doi.org/10.1017/S2047102517000292>**

This article highlights a growing body of cases that demonstrate an increasing trend for petitioners to employ rights claims in climate change lawsuits, as well as a growing receptivity of courts to this framing. The article argues that this 'rights turn' could serve as a model or inspiration for rights-based litigation in other jurisdictions, especially those with similarly structured law and court access.

**Peel, J., and Osofsky, H.M. 2020. Climate Change Litigation. *Annual Review of Law and Social Science* 16: 21-38. <https://doi.org/10.1146/annurev-lawsocsci-022420-122936>**

This article observes that in 2019, climate litigation literature experienced substantial growth, with a focus on multiple novel dimensions: new high-profile judgments; emerging legal avenues, types of actors, litigation objectives, and jurisdictions, especially those in the Global South; and additional interdisciplinary analyses. It is argued that, as in the underlying case law, climate litigation scholarship shows evidence of distinct but overlapping waves that build together in a manner similar to a harmonic chord. However, this literature has not yet engaged deeply with questions about the effectiveness of climate litigation as a governance tool, particularly in the context of the decentralised system formalised with the 2015 Paris Agreement.

**Preston, B. J. 2018. The Evolving Role of Environmental Rights in Climate Change litigation. *Chinese Journal of Environmental Law* 2(2): 131-164.**

Preston discusses climate litigation through a public interest doctrine perspective. He compares cases within the U.S. and other parts of the world (137-144). In so doing, he analyses cases within the Global South, including *Ali v. Federation of Pakistan* and *Pandey v. India* (143-144) to showcase cases in which children brought climate change issues in front of the courts. Preston notes that early climate change litigation in South Asia tended to focus on air pollution, citing cases such as *Farooque v. Government of Bangladesh*, *Prakash Mani Sharma v. HMG Cabinet Secretariat*, *Gbemre v. Shell Petroleum Development Company Nigeria Limited* (145-148) as examples. He also analyses human rights affected by the State's failure to adapt to climate



change through cases such as *Asghar Leghari v. Federation of Pakistan* (148-150). Climate change litigation also comes in the form of the government's role in approving activities affecting the climate as illustrated by cases such as *Salas, Dino and other v. Salta Province* (155) and *Future Generations v. Ministry of the Environment and the Others* (156-157). Through Preston's analysis, it is clear how a public interest doctrine approach to climate litigation is an effective strategy both on a domestic and international scale.

**Rodríguez-Garavito, C. 2020. Human Rights: The Global South's Route to Climate Litigation. *AJIL Unbound* 114: 40-44. doi.org/10.1017/aju.2020.4**

This article argues that the use of human rights norms and strategies characterises the 'Global South route' to climate litigation, and posits that, in order to understand the present and the future of this route, it is essential to (1) track its origins and features to the trajectory of 'Global South constitutionalism' over the last three decades, especially litigation around socio-economic rights, and (2) unpack the category of 'Global South' countries, in order to avoid overgeneralizations and to identify the types of countries that are likely to see most climate litigation and court decisions. The article concludes by suggesting that, in light of the planetary and urgent nature of the climate challenge, future research and advocacy should explore transnational forms of litigation that cut across the North-South divide and pay systematic attention to the impact of climate litigation.

**Schipper, L. et al. 2021. Equity in Climate Scholarship: A Manifesto for Action. *Climate and Development* 13(10): 853-856. doi:10.1080/17565529.2021.1923308**

This article highlights the unequal representation of women and scholars from the Global South in climate scholarship and makes recommendations to scholars, editors, and publishers to close the inequality gap.

**Setzer, J., and Benjamin, L. 2019. Climate Litigation in the Global South: Constraints and Innovations. *Transitional Environmental Law* 9(1): 77-101. doi.org/10.1017/S2047102519000268**

The authors evaluate climate change litigation within the Global South using a strategic perspective. They briefly evaluate cases in the Philippines (*Carbon Majors*), Colombia (*Future Generations of the Environment and Others*), and Pakistan (*Asghar Leghari v. Federation of Pakistan*) to illustrate various climate case trends within this region (3). Setzer and Benjamin



note the divide of climate change litigation between the North and South and concentrate within the latter region (6-9). In so doing, they identify two trends in climate litigation: (1) combating environmental degradation and (2) use of rights-based principles (9). They note the distinctions of the applicability of these trends within the North and South, citing cases such as *Future Generations* and *Leghari* in the process (10-18). They end with innovative Legal Opportunity Strategies to initiate climate change litigation within the Global South, such as access to justice and progressive learning approaches (18-24). Noteworthy is the table of climate change litigation illustrating their various issues (20).

**Setzer, J., and Benjamin, L. 2020. Climate Change Litigation in the Global South: Filling in the Gaps. *AJIL Unbound* 114: 56-60. doi:10.1017/aju.2020.6**

This article argues that the scholarship on climate change litigation is yet to further explore the relationship between climate legislation and litigation in the Global South, in particular in circumstances where ripe policy and legislative conditions for climate litigation exist. Considering different regional and national experiences, this essay explores that relationship.

**Stuart-Smith, R.F., Otto, F.E.L., Saad, A.I. et al. 2021. Filling the evidentiary gap in climate litigation. *Nat. Clim. Chang* 11, 651–655. <https://doi.org/10.1038/s41558-021-01086-7>**

In this piece, the authors examine lawsuits that pertain to the consequences of climate change, specifically those that assert causal connections between defendants' greenhouse gas emissions and harm experienced by plaintiffs. The authors conducted a comprehensive analysis of 73 such lawsuits, evaluating both the scientific and legal aspects involved in establishing causation. Through their assessment, the authors identified a notable disparity between the evidence presented in these cases and the current state of climate science. This discrepancy in evidentiary support presents a challenge in establishing direct causal links between defendants' emissions and the harm experienced by plaintiffs. To enhance the viability of these lawsuits, the authors proposed a solution. They suggest harnessing established methodologies from the field of attribution science to address the hurdles associated with proving causation. By incorporating these methodologies into the legal framework, it may become more feasible to establish the linkages between emissions and their resulting effects.

**Sultana, F. 2021. Critical Climate Justice. *The Geographical Journal*. 188:118-124. doi: 10.1111/geoj.12417**



The author defines climate justice, arguing among other things that critical climate justice is about practice and solidarity that benefits from engagement with feminist scholarship. The author posits that feminist scholarship aims to reframe debates away from reductionist solutions to more accountable assessments.

**Teng, N. 2019. From Vulnerable to Resilient: Amplifying the Voice of Small Island Developing States towards Virtuous Climate Change Action, *King's Law Journal* 30:2: 254-269.**  
<https://doi.org/10.1080/09615768.2019.1645452>

Although this article does not discuss litigation concerning climate change in Small Island Developing States (SIDS), it provides insightful information on climate change impacts on SIDS. It argues that the global climate change regime should be reframed to support SIDS more effectively, as there are inherent power imbalances when negotiating climate change treaties affecting them (258-261). To fix this, climate change discussions around SIDS should be shifted to account for SIDS' adaptability, resilience, and reason (261-268). The article highlights the continuing discrimination and colonialist-view concerning climate litigation. As such, climate litigation should consider the existing inherent power imbalances that continue to this day.

**Tigre, M.A. 2022. Climate Change and Indigenous Groups: The Rise of Indigenous Voices in Climate Litigation. *e-Publica Public Law Journal* 9(3): 215-260.**  
[https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=1197&context=sabin\\_climate\\_change](https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=1197&context=sabin_climate_change)

The author claims that little attention has been brought to how vulnerable groups, particularly indigenous groups, are disproportionately affected by climate change due to their connection to their land and dependence on their ecosystems. In order to increase global attention and seek legal remedies to address how Indigenous communities are impacted by climate change, Indigenous groups are becoming important stakeholders in climate litigation. In this article, the author broadly discusses how Indigenous communities are negatively affected by climate change and how they use litigation to address them. Finally, the article answers these questions by bringing international, regional, and national examples.

**Tschakert, P. et al. 2021. Multispecies justice: Climate-just futures with, for and beyond humans. *WIREs Clim Change* 12: 699. <https://doi.org/10.1002/wcc.699>**





The authors advocate for the concept of multispecies justice to augment climate justice scholarship. Within this concept, the authors make a shift from the focus of climate justice from only the human to a wider group by including and recognizing the everyday interactions that affect humans and societies to networks of close and distant others, including other people and more-than-human beings. The authors argue that a multispecies justice lens provides a scientific, practical, material, and ethical road map for navigating the complex responsibilities and politics in the climate crisis.

### **Africa**

**Addaney, M., Boshoff, E., and Olutola, B. 2017. The Climate Change and Human Rights Nexus in Africa. *Amsterdam Law Forum* 9(3): 5-28. doi:10.37974/ALF.304**

This study examines the link between climate change and human rights from an African perspective and argues that African governments have a responsibility to protect fundamental human rights in the context of climate change. It also offers recommendations on how human rights can be more effectively protected in the era of climate change.

**Addaney, M., Boshoff, E., and Nyarko, M.G. 2018. Protection of Environmental Assets in Urban Africa: African Regional and Sub-Regional Human Rights and Practical Environmental Protection Mechanisms. *Australian Journal of Human Rights* 24(1): 182-200. doi:10.1080/1323238X.2018.1480235**

This article examines whether, and to what extent, a regional human rights approach to environmental protection safeguards environmental assets in the context of urbanisation at the national level in Africa. The article discusses the nexus between human rights and environmental protection in the African context and addresses key issues of human rights and environmental conservation in the context of urbanisation.

**Adigun, M. and Jegede, A.O. 2022. A human rights approach to climate litigation in Nigeria: Potentialities and Agamben's state of exception theory. *Carbon & Climate Law Review* 16(3): 179- 191 <https://doi.org/10.21552/cclr/2022/3/5>**

The article starts with the assumption that a human rights approach to climate litigation in Africa is relatively more recent when compared with the countries of the Global North. With this assumption, the authors examine a human rights approach to climate change litigation in



Nigeria. The authors conclude that the approach has potential in Nigeria but argues that such potential may be suspended or trumped by political acts caused by exigencies of the state manifesting as Agamben's state of exception.

**Amadi, V.T., and Vundamina, M.N. 2023. Migration and climate change in Africa: A differentiated approach through legal frameworks on the free movement of people. *Law, Democracy and Development* 27(1): 31-54. doi.org/10.17159/2077-4907/2023/ldd.v27.2**

The authors bring attention to the far-reaching implications of rapid climate change globally, with a particular focus on Africa, where vulnerable populations bear the brunt of its impacts. In response to this pressing issue, the authors advocate for the adoption of regional integration frameworks as a means to safeguard and facilitate the movement of individuals affected by environmental disasters in the region. By examining existing migration frameworks within African regional and sub-regional contexts, the authors assess the level of commitment to protect and support those compelled to seek safety in neighbouring countries due to climate-induced challenges. The article underscores the importance of knowledge exchange and mutual learning among regional groupings to effectively address the growing trend of climate-driven migration. The authors praise the recent endorsement of the Protocol on the Free Movement of Persons within the Intergovernmental Authority on Development (IGAD) as a positive step towards ensuring protection and ease of movement for vulnerable individuals affected by environmental concerns in Africa.

**Ashukem, J.C.N. 2013. Setting the Scene for Climate Change Litigation in South Africa: *Earthlife Africa Johannesburg v Minister of Environmental Affairs and Others*. *Law, Environment and Development Journal* 13(1): 35-43. <http://www.lead-journal.org/content/17035.pdf>**

This case note presents a background of the *Thabametsi* case and analyses the judgment in order to demonstrate its contribution to laying the foundation for future climate change litigation.

**Aylett, A. 2010. Conflict, Collaboration and Climate Change: Participatory Democracy and Urban Environmental Struggles in Durban, South Africa. *International Journal of Urban and Regional Research* 34: 478-495. <https://doi.org/10.1111/j.1468-2427.2010.00964.x>**



In this article, the author examines a conflict arising from apartheid-era planning in the South Durban Basin on the Eastern coast of South Africa, in relation to the local community's campaigns to improve local air quality. The author argues that the focus on collaboration and compromise within studies of governance and participation overlooks both the reality of conflict and its potentially positive effects. The article pays particular attention to how power relationships influence processes of governance, and the role of civil society in balancing the influence of the private sector on the state.

**Bouwer, K. 2022. The Influence of Human Rights on Climate Litigation in Africa. *Journal of Human Rights and the Environment* 13(1): 157-177. <https://dro.dur.ac.uk/34683/>**

This article questions whether human rights arguments have been and are likely to be used in climate litigation in African regional and domestic courts and if so how. The core argument is that human rights protections and human rights-based strategies have fundamentally shaped African climate litigation and will continue to do so.

**Bouwer, K., and Field, T.L. 2021. Editorial: The Emergence of Climate Litigation in Africa. *Carbon and Climate Law Review* 15(2): 123-128 <https://doi.org/10.21552/cclr/2021/2/3>**

In this editorial, Bouwer and Field question the particularities of climate litigation in Africa and what more is needed to actualise its potential. The editorial revolves around the analysis of the articles submitted as part of a workshop convened in August 2020 in which authors aimed to support increasing academic interest in climate litigation.

**Chamberlain, L. 2017. Beyond Litigation: The Need for Creativity in Working to Realise Environmental Rights. *Law, Environment and Development Journal* 13(1): 1-12. <http://www.lead-journal.org/content/17001.pdf>**

This article explains why litigation is not always an ideal strategy for communities seeking to realise either environmental rights or environmental justice. The article introduces some non-litigious strategies emerging out of a civil society campaign to protect the Mapungubwe World Heritage Site in South Africa, for consideration and critique.

**Chamberlain, L. et al. 2020. Growing Threats to Environmental Human Rights Defenders: The Latest SLAPP Suit Developments in South Africa. *South African Journal of Environmental Law and Policy* 26(1): 5-38.**



This article examines the development of Strategic Litigation Against Public Participation (SLAPP suits) in South Africa and the impact that they have on the environmental sector and environmental rights.

**Chamberlain, L., and Fourie, M. 2023. Using Climate Litigation to Strengthen Advocacy Strategies: The Life After Coal Campaign in South Africa. *Journal of Human Rights Practice*. <https://doi.org/10.1093/jhuman/huad021>**

This practice note examines the use of litigation by the Life After Coal campaign in *Earthlife Africa Johannesburg v. Minister of Environmental Affairs* 2017, 2 All SA 519 (GP) (*Thabametsi*). It documents this rare success story and suggests lessons concerning the use of multiple interweaving strategies for climate activists in the Global South.

**Du Plessis, A.A. 2015. Climate Change, Public Trusteeship and the Tomorrows of the Unborn. *South African Journal on Human Rights* 31(2): 269-293. <https://doi.org/10.1080/19962126.2015.11865247>**

This article critically considers from a legal perspective the role of municipalities in the South African government's response to climate change. The article starts with a brief review of the relevance of climate mitigation and adaptation and is followed by an explanation of what these concepts mean for local government. Then the article discusses the extent to which the country's environmental and local government law and policy framework provide for municipalities' participation and involvement in climate governance.

**Dugard, J., and Alcaro, A. 2013. Let's Work Together: Environmental and Socio-Economic Rights in the Courts. *South African Journal on Human Rights* 29(1): 14-31. <https://doi.org/10.1080/19962126.2013.11865064>**

The article explains that under the post-apartheid dispensation, broad environmental rights are constitutionally entrenched alongside socio-economic rights. Then the authors answer the following question: to what extent does this imply an amicable or even an established relationship between environmental and socio-economic rights?

**Durokifa, A.A., and Ijeoma, E.C. 2018. Neocolonialism and Millennium Development Goals (MDGs) in Africa: A Blend of an Old Wine in a New Bottle. *African Journal of Science*,**



***Technology, Innovation and Development* 10:3: 355-366. doi: 10.1080/20421338.2018.1463654**

This article is a retrospective study deploying data from secondary sources and brings into recognition that while the implementation of the Millennium Development Goals was a good idea, they do not reflect Africa's development stance outright. Then this article analyses each Millennium Development Goals and proposes that the Millennium Development Goals were an indirect way of making developing countries dependent on the West. Finally, the paper recommends that Africa has to make a demarcation between its economy and that of the Western world.

**Ekhator, E.O. 2014. Improving Access to Environmental Justice under the African Charter on Human and Peoples' Rights: The Roles of NGOs in Nigeria. *African Journal of International and Comparative Law* 22(1): 63 – 79. doi: 10.3366/ajicl.2014.0080**

This paper focuses on the various strategies used by non-governmental organisations (NGOs) to improve access to environmental justice by stakeholders via the instrumentality of the African Charter. Furthermore, it provides a critique of the oil and gas industry in Nigeria where environmental injustice or degradation arising mainly from the activities of the oil multinational corporations (oil MNCs) are localised.

**Erinosho, B. 2020. Climate Change Litigation in Ghana: An Analysis of the Role of Courts in Enforcing Climate Change Law. *AJIL Unbound* 114: 51-55. <https://doi.org/10.1017/aju.2020.1>**

This essay examines climate litigation in Ghana to demonstrate that the experiences and views of many of the countries of the Global South differ in the way climate change matters are conceived and tackled. A lack of enforceable climate law and policy in Ghana means that climate litigation is likely to be subsumed within wider issues of environmental protection, with climate impacts a secondary issue. The environmental right in the African Human Rights System is a likely avenue for climate litigation in Ghana.

**Etemire, U. 2021. The Future of Climate Change Litigation in Nigeria: COPW v NNPC in the Spotlight. *Carbon and Climate Law Review* 15(2): 158-170. <https://doi.org/10.21552/cclr/2021/2/7>**



The article starts with acknowledging Nigeria's oil and gas industry and the gas flaring have significantly contributed to the global rise of GHGs. The article assesses the current status of climate change litigation in Nigeria. The author argues that climate change litigation in Nigeria is still in its infancy. However, it critically assesses the paradigm shifts evident in the decision of the Nigerian Supreme Court in the recent case of *Centre for Oil Pollution Watch (COPW) v Nigerian National Petroleum Corporation (NNPC)*, arguing that this case potentially clears the way for future climate change litigation in Nigeria.

**Fambasayi, R., and Addaney, M. 2021. Cascading impacts of climate change and the rights of children in Africa: A reflection on the principle of intergenerational equity. 2021. *African Human Rights Journal* 21: 29-51. [doi.org/10.17159/1996-2096/2021/v21n1a3](https://doi.org/10.17159/1996-2096/2021/v21n1a3)**

The article explores the manner in which climate action at the African regional level protects and promotes children's rights with considerations being had to the principle of intergenerational equity. Then the article establishes that while the concept of intergenerational equity is entrenched in the international and African regional climate change framework for the protection of children, neither the Convention on the Rights of the Child nor the African Children's Charter mentions the concept. Finally, the authors argue that in theory the principle of intergenerational equity could be used as a useful tool for the protection and promotion of the rights and interests of children from climate change impacts.

**Humby, T. 2010. The Biowatch Case: Major Advance in South African Law of Costs and Access to Environmental Justice: *Trustees for the time being of the Biowatch Trust v Registrar, Genetic Resources and others (2009) Constitutional Court of South Africa, [2009] ZACC 14. *Journal of Environmental Law* 22(1): 125-134. <https://doi.org/10.1093/jel/eqp033>***

This article discusses a landmark case involving an environmental non-governmental organisation, where the Constitutional Court of South Africa affirmed a new approach to the issue of costs in constitutional litigation, aimed at facilitating, rather than chilling, public interest litigation.

**Humby, T. 2018. The Thabametsi Case: Case No 65662/16 Earthlife Africa Johannesburg v Minister of Environmental Affairs. *Journal of Environmental Law*. 30: 145-155. <https://doi.org/10.1093/jel/eqy007>**



This case law analysis considers South Africa’s first climate change-related judicial decision, the *Thabametsi* case, in which the court considered the quality and form of climate change impact assessment required when a competent authority assesses an application for environmental authorisation in South Africa. Drawing upon a theoretical framework recently put forward by Preston, the analysis argues that the *Thabametsi* case has made a meaningful contribution to climate change litigation, particularly through the manner in which the court addressed equality before the law and the rule of law.

**Humby, T. 2013. Environmental Justice and Human Rights on the Mining Wastelands of the Witwatersrand Goldfields. *Revue Générale de Droit* 43: 67-112. <https://doi.org/10.7202/1021211ar>**

The article provides a case study of the Tudor Shaft Informal settlement on the Witwatersrand goldfields in South Africa. The article elucidates the ambiguities in the notion of environmental justice and the tensions between claims based on environmental rights and socio-economic rights. By highlighting the existence of local moral orders—political alliances based on access to resources that frequently employ violence to achieve political ends—the author also suggests the limited reach of the constitutional order and the project of transformative constitutionalism.

**Idris, B.A. 2019. Environmental Constitutionalism in Ethiopia. Online, available at: <http://dx.doi.org/10.2139/ssrn.3456113>**

This paper evaluates the concept of environmental constitutionalism in Ethiopia and analyses the incorporation of environmental protection in its constitution. The paper argues the incorporation of environmental protection provisions in the constitution is an essential task for the effective understanding and implementation of sub-constitutional norms and constitutionalism on environment protection.

**Jegede A.O., and Makulana, A.W. 2019. Climate change interventions in South Africa: The significance of *Earthlife Africa Johannesburg v Minister of Environmental Affairs and others* JOL 37526 (GP). *Obiter* 15(2): 399-408**

Authors provide a critical overview of the *Thabametsi* case as it is the first of its kind to engage with climate-change impact assessment in South Africa.



**Jegade A.O., and Stoffels, M.C. 2022. Climate change protests and a liberal rights approach in South Africa: Pitfalls and potentials. *Stellenbosch Law Review* 33(2): 125-147**  
<https://doi.org/10.47348/SLR/2022/i2a7>

The authors claim that the tension between individual rights and the collective or societal goal is significant in South Africa. According to authors the challenges which may result from the tension for climate-related protests are rarely clarified and the way in which these challenges may be addressed has not been carefully articulated. Employing Dworkin's liberal rights as a basis of analysis, this contribution aims to demonstrate how the tension between collective goals and individual rights may generate challenges in climate change protests. It then highlights key constitutional concepts associated with rights that may be helpful in addressing the drawbacks in South Africa.

**Jegade, A.O. 2023. Framing Climate Litigation in Individual Communications of the African Human Rights System. Claw-Backs and Substantive Divergences. *Journal of Human Rights Practice*. <https://doi.org/10.1093/jhuman/huad018>**

This article explores the complexities of the potential application of claw-back clauses and divergent views on states' sovereign rights and climate justice in climate change instruments that may feature in individual communications in the African Human Rights System, if and when the first climate case is adjudicated.

**Jegade, A.O. 2021. Should They 'Just' Leave? Global Energy Transition, Climate Change and the Protection of Workers' Rights in South Africa. *Oil, Gas and Energy Law Journal* 19(1): 1-19**

The call for just transition and protection of rights as a climate change intervention is an important feature in international instruments including the 2015 Paris Agreement. At the centre of this global urge is the energy sector, which is still largely fossil driven and therefore significantly accountable for greenhouse gases underlying climate change. With this background, the author examines how existing the domestic legal framework may assist in achieving a transition that safeguards rights of existing workers in the fossil sector in South Africa.

**Jegade, A.O. 2017. Climate change in the work of the African Commission on Human and Peoples' Rights. *Speculum Juris* 31(2): 136-150**





This article argues that the effort of the African Commission in linking climate change to the realisation of human rights has thus far been ineffective. The article also explores the potentials of the structures and programmes that already have a climate change focus within the African Union (AU) that the African Commission can engage with along with its own role in developing both the link and application of human rights to climate change in its regional work.

**Jegade, A.O. 2017. Climate change and socio-economic rights duties in Nigeria. *Dignitas* 73/74: 14-43**

This article clarifies states' duties under international climate change related instruments to ensure socio-economic rights in mitigation actions. It then contends legitimate expectation and the existence of complementary legislation and policies as legal bases for their application in Nigeria.

**Jegade, A.O. 2016. Rights away from home: Climate-induced displacement of indigenous peoples and the extraterritorial application of the Kampala Convention. *African Human Rights Law Journal* 16(1): 58-82**

The article demonstrates how climate change is linked to the displacement of indigenous peoples and how their rights are threatened in Africa. Underscoring the extraterritorial nature of activities underlying their displacement, the article examines the basis of the Kampala Convention and the way it may be applied extraterritorially to enhance the protection of indigenous peoples facing climate-induced displacement and the threat to key rights in Africa.

**Kayode Oniemola, P. 2021. A Proposal for Transnational Litigation Against Climate Change Violations in Africa. *Wisconsin International Law Journal* 38(2): 301-330.**

This article examines the existing legal regime that allows for transnational litigation or liabilities, as seen in jurisdictions such as Canada, the Netherlands, and the United States. It analyses transnational jurisdiction jurisprudence to assess the extent to which transnational litigation can be used to address the concerns of climate change in Africa. This article proposes the use of transnational litigation on climate change across the various African states.

**Klaaren, J. 2021. Xenophobia-Induced Disaster Displacement in Gauteng, South Africa: A Climate Change Litigation Perspective. *Carbon and Climate Law Review* 15(2): 150-157. <https://doi.org/10.21552/cclr/2021/2/6>**



This article focuses on two global and local poles in an investigation of a provincial government's response to disaster displacement due to xenophobic violence. In 2008 in Gauteng, South Africa the global frame of international human rights and refugee law interacted with a national legal regime on disaster management which privileged local and provincial actions. This article aims to explore the material and conceptual linkages between disaster displacement and climate change with particular attention to litigation and to legal support structures.

**Kotze, L., and Du Plessis, A. 2020. Putting Africa on the Stand: A Bird's Eye View of Climate Change Litigation on the Continent. *Environmental Law* 50(3): 615-663. <https://www.jstor.org/stable/27007692>**

This article argues that although climate change litigation is rapidly increasing worldwide, and despite Africa being one region predicted to be most severely affected by climate change, the continent has not yet seen any significant growth in this specialised form of litigation. Only a comparatively small number of court cases have been recognised as climate-change conflicts in Africa. While briefly reflecting on possible reasons for this surprising trend, the primary objective of this article is to offer a first comprehensive interrogation of the state and prospects of climate change litigation in Africa with a focus on three cases from South Africa, Uganda, and Nigeria. Drawing on three cases from the countries mentioned above, and mindful of the risk of over-generalising, the authors highlight and critically reflect on possible emerging climate change litigation trends in African courts, while also comparing them to trends now emerging worldwide.

**May, J.R., and Dayo, T. 2019. Dignity and Environmental Justice in Nigeria: The Case of *Gbemre v. Shell*. *Widener Law Review* 25: 269-283. <https://ssrn.com/abstract=3555431>**

This paper discusses the case of *Gbemre v. Shell Petroleum-Nigeria*, in which the Federal High Court of Nigeria — and in the absence of a constitutionally-protected right to a healthy environment — concluded that illegal flaring of natural gas contravenes a right to dignity guaranteed by the Constitution of Nigeria. In issuing an injunction, the court reasoned that Shell's flaring of gas in the Niger Delta amounted to a 'gross violation' of Gbemre's and the Iwherekan community's constitutionally guaranteed rights to dignity.



**Mmadu, R.A. 2013. Judicial Attitude to Environmental Litigation and Access to Environmental Justice in Nigeria: Lessons from *Kiobel*. *Journal of Sustainable Development, Law and Policy* 2(1): 149-170. doi:10.4314/jsdlp.v2i1**

This paper examines judicial attitude to environmental litigation and access to environmental justice in Nigeria. The paper finds that environmental litigations in Nigeria are bedevilled by legal technicalities such that victims of environmental pollution and degradation are ultimately denied access to justice.

**Murcott, M.J. 2015. The Role of Environmental Justice in Socio-Economic Rights Litigation. *South African Law Journal* 132(4): 875-908. <https://hdl.handle.net/10520/EJC-61531f49e>**

This article explores the role of environmental justice as a transformative tool in litigation to enforce socio-economic rights in South Africa and considers the potential of environmental justice in socio-economic rights litigation to challenge poverty and effect transformation in the lives of poor people in South Africa.

**Murcott, M. and Webster, E. 2020. Litigation and Regulatory Governance in the Age of the Anthropocene: The case of Fracking in the Karoo. *Transnational Legal Theory*. 11(1–2): 144-164. doi.org/10.1080/20414005.2020.1777037**

By adopting a transnational legal methodology, this article assesses the role of non-state actors in the regulation of fracking in the ecologically and socially sensitive area of Karoo, South Africa. As per the examinations of the authors, the litigation discussed in the article reveals a constellation of actors including the government and transnational fossil fuels promoting fracking on the one hand, and various non-state actors, such as civil society, domestic business as well as the global anti-fracking movement, opposing fracking on the other.

**Murcott, M. 2022. Emerging Climate Law and Governance Measures in South Africa: A Clash Between Policy and Practice?. *IUCN Academy of Environmental Law e-Journal* 12: 76-89**

South Africa is reportedly the highest emitter of greenhouse gases (GHGs) on the African continent. It is also one of the most unequal countries in the world, as millions live in conditions of poverty. As such, the author argues that the country faces significant climate change mitigation and adaptation challenges with grave social, environmental and climate justice implications. Activists for social, environmental and climate justice might therefore be



encouraged by emerging climate law and governance measures. At least three significant developments occurred in 2021: the publication of an updated Nationally Determined Contribution (NDC),<sup>4</sup> the introduction of the Climate Change Bill, 2018 in Parliament,<sup>5</sup> and positive action by the Presidential Climate Commission (PCC) established in December 2020.<sup>6</sup> These developments are discussed in the first part of the article. The second part engages with climate litigation in the South African courts in 2021 that exposes a sharp contrast between policy and practice.

**Murcott, M. 2022. A Just COP26 Outcome for South Africa?. *Transnational Legal Theory* 13(2-3): 352-365. <https://doi.org/10.1080/20414005.2022.2160123>**

This article describes the contours of climate justice before applying the analytical framing of climate justice to the outcome of the UNFCCC COP26 for South Africa in respect of the climate finance commitments made by various Global North countries.

**Mwesigwa, S.A.K., and Mutesasira, P.D. 2021. Climate Litigation as a Tool for Enforcing Rights of Nature and Environmental Rights by NGOs: Security for Costs and Costs Limitations in Uganda. *Carbon and Climate Law Review* 15(2): 139-149 <https://doi.org/10.21552/cclr/2021/2/5>**

The article starts with the acknowledgment that in the absence of a climate-focused legal regulatory framework, Ugandan non-governmental organisations have adopted a rights-based litigation strategy to secure anthropogenic environmental rights and rights of nature. However, they have encountered obstacles in the form of security for costs and adverse costs orders. In this article, the authors examine the Ugandan courts' approach to awarding security of costs and costs in climate litigation initiated by NGOs. They argue that security of costs and costs threaten access to environmental justice by making climate activists very reluctant to approach the courts.

**Okoth, E.M.A., and Odaga, M.O. 2021. Leveraging Existing Approaches and Tools to Secure Climate Justice in Africa. *Carbon and Climate Law Review* 15(2): 129-138. <https://doi.org/10.21552/cclr/2021/2/4>**

The authors acknowledge the African continent's vulnerability to climate risks, and from this point of departure, consider the extent to which climate litigation might benefit from a rights-based approach. The paper highlights the utility of administrative and judicial challenges



of impact assessment processes. Authors argue that the participatory components of these processes are potentially powerful avenues for the empowerment of local communities on climate change risks and appropriate mitigation and adaptation measures.

**Omuko-Jung. L.A. 2021. The Evolving Locus Standi and Causation Requirements in Kenya: A Precautionary Turn for Climate Change Litigation? *Carbon and Climate Law Review* 15(2): 171-187. <https://doi.org/10.21552/cclr/2021/2/8>**

In Kenya, the requirements for locus standi and causation in public interest environmental litigation have been evolving. This article explores this evolution, showing three ways in which it creates opportunities for climate litigation. The author argues that recent developments provide the needed legal opportunities for climate litigation and could make Kenya a potential hotspot for future climate change cases.

**Osofsky, H.M. 2010. Climate Change and Environmental Justice: Reflections on Litigation Over Oil Extraction and Rights Violations in Nigeria. *Journal of Human Rights and the Environment* 1(2): 189-210. <https://doi.org/10.4337/jhre.2010.02.03>**

This article uses developments in three cases claiming environmental harm and human rights violations arising from Shell Oil's operations in Nigeria – brought in the United States, the Netherlands, and Nigeria – to explore the complex intersection of transnational corporate responsibility, environmental justice, and climate change. The article concludes with an assessment of how future efforts might build upon these cases.

**Owona, D. 2019. Droits de l'homme et justice climatique en Afrique. *Annuaire Africain des droits de l'homme* (3): 157-178. [https://www.ahry.up.ac.za/images/ahry/volume3/Owona\\_2019.pdf](https://www.ahry.up.ac.za/images/ahry/volume3/Owona_2019.pdf)**

This article (published in French) undertakes an analysis on the place afforded to human rights in the adjudication of climate related issues in Africa. It establishes the subsidiary nature of human rights in such adjudication. On the one hand, specific human rights are invoked therein as grounds by the litigants and as tools of reasoning by judges, especially the trio of the right to life, the right to dignity and the right to a clean, healthy and safe environment, without poison or pollution. On the other hand, climate related human rights litigation in Africa is weakly represented in the continent due to its burgeoning nature at the national level and non-existence at the regional level. Finally, the author argues that despite the non-existence of



regional litigation, the African human rights system and ECOWAS framework offer opportunities to consider human rights when climate justice issues are being adjudicated.

**Soyapi, C. 2020. A Multijurisdictional Assessment of the Judiciary's Role in Advancing Environmental Protection in Africa. *Hague Journal on the Rule of Law* 12: 307-332.**  
<https://doi.org/10.1007/s40803-019-00128-9>

This article discusses various cases from Africa and seeks to identify the role courts have been playing in protecting the environment.

**Suedi, Y., and Fall, M. 2023. Climate Change Litigation before the African Human Rights System: Prospects and Pitfalls. *Journal of Human Rights Practice***  
<https://doi.org/10.1093/jhuman/huad024>

The authors highlight Africa as a promising regional platform for climate change-related complaints, given its distinctive vulnerability to climate-related harms. However, they note that as at the time of writing, neither the African Commission on Human and Peoples' Rights nor the African Court of Human and Peoples' Rights have dealt with any such disputes. In preparation for the possibility of climate litigation emerging within the African human rights system, the practice note offers guidance to non-State actors and their lawyers on potential procedural challenges that may arise. The note demonstrates how these challenges could be overcome in the African context.

**Toxopeüs, M., and Kotze, L.J. 2017. Promoting environmental justice through civil-based instruments in South Africa. *Law, Environment and Development Journal* 13(1): 47-72.**  
<http://www.lead-journal.org/content/17047.pdf>

This article interrogates ways through which to achieve environmental justice in South Africa through the use of civil-based instruments (CBIs) of environmental governance. The central hypothesis is that CBIs are particularly well-suited to contribute to the achievement of environmental justice since they are essentially instruments which empower civil society to become central stakeholders in environmental governance by fostering active participation in the decisions that may impact the environment and people's health and well-being.



**United Nations Environment Programme Environmental Law Institute. 2007. Constitutional Environmental Law: Giving Force to Fundamental Principles in Africa. UNEP.**  
<https://wedocs.unep.org/20.500.11822/29148>

This publication explores how constitutional provisions of African states can be used to create real, enforceable environmental rights. African states have varying legal traditions; namely, common law, civil law, and Islamic law, as well as some hybrid systems. Nevertheless, these legal systems share many common underlying principles and values, particularly fundamental human rights that are embodied in their respective constitutions.

**Van der Schyff, E. 2013. Stewardship Doctrines of Public Trust: Has the Eagle of Public Trusteeship Landed on South African Soil? *South African Law Journal* 130: 369-389.**  
<https://journals.co.za/doi/10.10520/EJC137367>

The author provides an analysis of the public trust doctrine in South Africa. According to the author very little has been written in South African literature on what the subject might entail. For this purpose, the article is built upon an analysis of the natural resources legislation and arrives at the conclusion that the concept of public trusteeship has, in limited fields, been incorporated into South African law in unique stewardship doctrines of public trust.

**Van der Schyff, E., and Viljoen, G. 2008. Water and the Public Trust Doctrine – A South African Perspective. *The Journal for Transdisciplinary Research in Southern Africa*. 4(2): 339-354.**  
<https://doi.org/10.4102/td.v4i2.156>

The article starts with the presumption that the legal principles concerning rights to water have been changed considerably by the provisions of the National Water Act 36 of 1998. The National Water Act aims to redistribute water rights to previously disadvantaged people and communities by the introduction and application of a public trust doctrine to South African natural resources law. The article proposes that these legislative measures will ensure that water as a natural resource will be used to the benefit of the nation as a whole.

**Vinti, C. 2019. The Right to Mine in a Protected Area in South Africa: Mining and Environmental Justice Community Network of South Africa v Minister of Environmental Affairs. *South African Journal on Human Rights* 35(3): 311-322**  
[doi.org/10.1080/02587203.2019.1662325](https://doi.org/10.1080/02587203.2019.1662325)



This case note evaluates the right to mine in a ‘protected environment’ in South Africa within the prescripts of s. 48 of the National Environmental Management: Protected Areas Act 57 of 2003. The author offers an evaluation through a critical analysis of the High Court decision in *Mining and Environmental Justice Community Network of South Africa v Minister of Environmental Affairs*.

### **Asia and the Pacific Islands**

**Barritt, E., and Sediti, B. 2019. The Symbolic Value of Leghari v Federation of Pakistan: Climate Change Adjudication in the Global South. *King’s Law Journal* 30:2: 203-210. doi: 10.1080/09615768.2019.1648370**

In this analysis, Barritt and Sediti comment on what is widely considered to be the first climate case of Global South: *Leghari v Federation of Pakistan*. They seek to draw global attention to the case, brought by a drought-affected Pakistani agriculturalist to the High Court of Lahore. The court mandated the creation of a Climate Change Commission in order that urgent action is taken to address the impact of climate change in Pakistan. The authors elaborate on the symbolic value of the case for the Global South and arrive at the conclusion that the decision sets the standard for the kind of judgment climate litigation activists are hoping for.

**Bueta, G. P. 2018. The Heat Is on: Prospects for Climate Change Litigation in the Philippines. *Ateneo Law Journal* 62(3): 760-797.**

The author provides an analysis of how climate change affects Asian States; however, he posits that climate litigation has yet to play a big role in Asia (774). However, he provides insight into domestic environmental law cases within Pakistan (*Ashgar Leghari v. Federation of Pakistan*) and the Philippines (*Greenpeace Southeast Asia v. Chevron U.S.*) (780, 783). The author argues that the Philippines is well positioned to be a leader in climate change litigation, given its rich domestic climate change jurisprudence; *Metropolitan Manila Development Authority v. Concerned Residents of Manila, Victoria Sergovia v. Climate Change Commission* (785-790). He outlines elements needed to bring a successful climate change case within the Philippines (792 – 797). This article contains detailed information on climate litigation as a concept and analyses cases around the world; the footnotes are also detailed and useful for background on climate change litigation within Asia.





**Chaturvedi, E. 2021. Climate change litigation: Indian perspective. *German Law Journal* 22(8):1459-1471. <https://doi.org/10.1017/glj.2021.85>**

Chaturvedi argues that climate change litigation within India has been most effective because of public interest litigation (1461-1462). Specifically, the Indian judiciary is sympathetic toward environmental law, as illustrated within *Intellectuals Forum, Tirupathi v. State of A.P. & Others* (1462). Through a discussion of domestic legislation, the author highlights how climate change litigation has evolved through the courts (1464-1469). Climate change litigation is changing due to public awareness of the impact of climate change, resulting in climate change policy at a doctrinal level.

**Chen, Z. 2019. Addressing Dilemmas over Climate Change Litigation in China. *Hong Kong Law Journal* 49(2): 719-748.**

Much like Zhao and Wang, this author focuses on climate change litigation in China. The author uses the case, *Friends of Nature v. Gansu Power Grid Co.*, a public interest case concerning clean electricity, to illustrate the current environmental policies within China (721,724-728). The author then assesses whether environmental courts can be used within climate litigation to improve existing environmental policies within China (728-737). Chen argues these courts can, through the analysis of the cases, *Green Development Foundation v. Ningxia Ruitai Ltd.* and *Friends of Nature c. Yunnan Hydropower Project* (738-739). This article gives a detailed perspective on climate change litigation in China using domestic environmental law cases.

**Cochrane, H. 2010. Dr. Parvez Hassan: Pakistani Environmental Laws. *Journal of Court Innovation* 3(1): 349-360.**

This piece is in the form of an interview with Dr Parvez Hassan. An expert in international environmental law in Pakistan, Dr Hassan provides first-hand knowledge and experience in climate change litigation within Pakistan, and how it can be changed.

**Davide, H., and Vinson, S. (2010). Green Courts Initiative in the Philippines. *Journal of Court Innovation* 3(1): 121-132.**

This article gives good insight into how courts in the Philippines became increasingly 'green'. The authors discuss court procedures and how the courts learned to litigate environmental issues.



**Desai, B.H., and Sidhu, B. (2010). On the Quest for Green Courts in India. *Journal of Court Innovation* 3(1), 79-110.**

The authors provide detailed information on environmental policies in India, and how these form the basis for environmental litigation in India. They state that such policy is mainly judge-based, a point illustrated by many cases they summarise.

**Dilay, A., Diduck, A.P., and Patel, K. 2020. Environmental Justice in India: A Case Study of Environmental Impact Assessment, Community Engagement and Public Interest Litigation. *Impact Assessment and Project Appraisal* 38(1): 16 -27.  
<https://doi.org/10.1080/14615517.2019.1611035>**

This paper scrutinises environmental impact assessment (EIA) in India and its potential environmental justice implications.

**Ghosh, S. 2020. Litigating Climate Claims in India. *AJIL Unbound* 114: 45-50.  
<https://doi.org/10.1017/aju.2020.5>**

Ghosh asserts that climate change claims in India will likely be peripheral to other issues, as the importance of climate change litigation in India is superficial at times (45,49). She arrives at this conclusion through the analysis of 14 climate cases within India. She classifies these cases into 4 categories (46-49). Examples of these cases include *Sukdev Vihar and Society for the Protection of Environment and Biodiversity* (46).

**Gill, G., and Ramachandran, G. 2021. Sustainability Transformations, Environmental Rule of Law and the Indian Judiciary: Connecting the Dots Through Climate Change Litigation. *Environmental Law Review* 23(3): 228-247. <https://doi.org/10.1177/14614529211031203>**

Gill and Ramachandran provide an in-depth analysis of the role of the Indian judiciary in climate change accountability. They discuss domestic cases such as *Nuggehalli Jayasimha v. Government of Delhi* and *Durga Dutt v. State of Hamachal Pradesh* to illustrate the various climate-related issues adjudicated within India. Through this discussion, they showcase the relationship between such cases and India's commitment to the Sustainable Development Goals and the Paris Agreement (244).

**Hassan, P., and Azfar, A. 2004. Securing Environmental Rights through Public Interest**



**Litigation in South Asia. *Virginia Environmental Law Journal* 22(3): 215-248.**

This early work on public interest litigation in South Asia provides background on climate change litigation in South Asia. It can be used to establish a timeline of how such litigation has developed within this region.

**Li, J. 2019. Climate Change Litigation: A Promising Pathway to Climate Justice in China? *Virginia Environmental Law Journal* 37(2): 132-170.**

The paper provides detailed insight into climate litigation in general (137-143) and applies it within a Chinese context (135, 143 – 168). It analyses whether climate change litigation would be effective in China, and the types of approaches which can be taken in order to make it successful (137-158). It notes that a right-based approach, like the one utilised in *Ashgar Leghari v. Federation of Pakistan*, is unlikely to work in China, because constitutional rights are unenforceable (156-158). Li argues climate change litigation in China is unlikely to be effective, due to various socioeconomic and political factors affecting China's legal landscape (158-166). He ends the paper with a few recommendations to improve the success of such cases in China (167-168). By situating climate change litigation in China within a global context, the author gives a pragmatic perspective on the future of climate change litigation in China.

**Li, X. 2021. Options for Human Rights-Based Approach to Climate Change Litigation in Southeast Asia. *Singapore Law Review* 38: 251-271.**

The author delves into climate change litigation within Southeast Asia through a human rights lens. The paper briefly mentions human rights-based climate litigation in domestic cases, like in Pakistan in *Asghar Leghari v. Federation of Pakistan* and in the Philippine case of *Carbon majors Petition* (252,258,263). The paper explores whether courts in Southeast Asia can identify and exploit Legal Opportunity Structures to pursue a human rights approach to climate change litigation (253). Applying these structures to Asia, the paper identifies Indonesia and the Philippines as two of the most promising States for rights-based climate litigation (265). This article provides insightful information into Asia's potential for climate litigation, and how a human rights approach may be best when initiating such litigation.

**Lin, J. 2014. Litigating Climate Change in Asia. *Climate Law* 4(1-2): 140-149.**



This article is from 8 years ago, so some information may be outdated, but it provides good insight into why there should be climate litigation in Asia. The author posits climate litigation is a ‘known unknown’, due to developing countries within Asia having to handle other issues like poverty alleviation, corruption, and energy access in rural areas (140-141). She argues that climate litigation should be used in Asia, since Asian States are affected by climate change, and it would hold the government accountable for their climate mitigation promises (142). Lin focuses on climate litigation in India and the Philippines, because they are uniquely poised for support in public international law cases within courts (143, 148).

**Mingde, C., and Fengyuan, W. 2011. Environmental Public Interest Litigation in China. *Asia Pacific Law Review* 19(2): 217-236.**

This article provides detailed insight into climate change litigation in China, and how it is used as an enforcement mechanism of environmental policies in China. The authors argue that NGOs have the best chances of success in launching such cases, but they are met with challenges as well.

**McCallum, K. 2017. Changing Landscapes: Enforcing Environmental Laws in China through Public Interest Litigation. *Asia Pacific Journal of Environmental Law* 20: 57-93.**

This article is a resource on climate litigation in China. It provides an analysis of a major overhaul of environmental policies in China and how this has impacted climate litigation in China.

**Philips, S.K., and Anschell, N. 2022. Building Business, Human Rights and Climate Change Synergies in Southeast Asia: What the Philippines’ National Inquiry on Climate Change Could Mean for ASEAN. *Journal of Human Rights and the Environment* 13(1): 238-264.**  
<https://doi.org/10.4337/jhre.2022.01.10>

The authors offer a critical account of business, human rights, and climate change relationships in South Asia. Based on the Philippines’ National Inquiry on Climate Change’s preliminary findings, the authors consider the nexus between business, human rights and climate change in the ASEAN context and reflect on the significance of domestic climate change litigation for regional governance approaches, policymaking, and cooperation.



**Rajamani, L. 2007. The Right to Environmental Protection in India: Many a Slip between the Cup and the Lip. *Review of European Community and International Environmental Law*. 16(3): 274–286.**

The article argues that the constitutionally guaranteed environmental right is poorly defined, and therefore offers little guidance in making difficult judgments central to an exercise of this right. After an analysis of relevant case law, it finds that at least some of the principles intended to guide the actualization of the environmental right do little more than creating a smokescreen, which renders application and implementation difficult and obfuscates the hard questions. It also argues that the judicial discretion available to judges in public interest environmental litigation, in combination with the proliferation of imprecise rights, allows the judiciary's preferences for certain rights and certain modes of argumentation to prevail. Finally, the article reaches the conclusion that, although some concerns are present, the Indian Supreme Court deserves credit for having delivered a vast number of environmentally sensitive decisions, and for its willingness to embrace innovative and progressive conceptual tools in the service of environmental protection.

**Stephens, T. 2021. Environmental Litigation by Asia Pacific States at the International Court of Justice. *Melbourne Journal of International Law* 21(3): 653-675.**

The author analyses climate change litigation within various Asian and the Pacific States and elaborates on these States' environmental litigation within the ICJ (656 -665). The author then briefly discusses cases such as *Sovereignty over Pulau Litigan and Pulau Sipadan*, *The Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge*, *Whaling in Antarctic* amongst others. The author notes that environmental standards within the Asian Pacific are rich, but in other parts of Asia are not, as such, understanding climate litigation within Asia must be understood in the context of regional diversity (666-669). He further argues that environmental litigation within this region began as an underlying issue, like in *Temple of Preah Vihear* (670). He further posits that environmental litigation within Asia Pacific will increase due to an increase in resource extraction and consumption, and discusses how Pacific Island governments have requested the ICJ to issue advisory opinions on climate change (670-674). Overall, this article provides needed insight into climate litigation within the Asia Pacific, and reasons for why such litigation is so rich within the States' cases in front of the ICJ.

**Wang, A.L., and Gao, J. (2010). Environmental Courts and the Development of**



**Environmental Public Interest Litigation in China. *Journal of Court Innovation* 3(1): 37-50.**

The authors summarise environmental litigation within China, and the issues on which this litigation is based.

**Whitehead, I. 2013. Climate Change Law in Southeast Asia: Risk, Regulation and Regional Innovation. *Asia Pacific Journal of Environmental Law* 16: 141-194.**

Although this article is nearly a decade old, it contains comprehensive information regarding the Kyoto Protocol (141-150). The author then discusses climate policies within specific States in Asia (151-158). Whitehead argues that the Philippines is uniquely positioned for climate change litigation because of its comprehensive climate change governance (158-175). The author goes on to argue that Vietnam is a burgeoning State of climate change governance (175-190). Although this article does not directly speak on climate change litigation in Asian States, it provides needed background on national climate laws within such States, a basis of which climate litigation can be launched.

**Xiangbai, He. 2021. Mitigation and Adaptation through Environmental Impact Assessment Litigation: Rethinking the Prospect of Climate Change Litigation in China. *Transnational Environmental Law* 10(3): 413-439**

The author notes that the first climate change case in China is the *Gansu Grid* case, but climate governance in general in China is quite complicated (415, 419-520). However, he argues that climate litigation can work within the existing framework through environmental impact assessment claims (425-429). As such, he differs from the other authors discussing climate change litigation in China, as he posits that environmental impact assessment cases are one of the most effective ways to bring such litigation within China (430-433). He also argues that tort-based approach to climate change litigation in China is wrought with barriers and should therefore be avoided (434-438).

**Zhao, Y., Lyu, S., and Wang, Z. 2019. Prospects for Climate Change Litigation in China. *Transnational Environmental Law* 8(2): 349-378.**

The authors analyse climate change litigation and regulation in China, an authoritarian/civil law tradition. Citing multiple works, they posit that climate change litigation has helped to reduce



the impacts of climate change through legislation and judicial decisions (350-351). Their article focuses on climate change litigation in China, whereby the government leads the response to climate change, while the judiciary takes a secondary role (351-352). The authors studied 177 climate cases in China and found a couple of trends within them (354-360). They argue that cases related to air pollution offer ways for the judiciary to play a larger role in climate change litigation within China (366-377). The article offers an analysis on a civil jurisdiction and how public international law can advance through the courts within such jurisdiction.

**Zhao, Y., Zheng, L., and Zhu, J. 2022. Could Environmental Courts Reduce Carbon Intensity? Evidence from Cities of China. *Journal of Cleaner Production* 377: 13444.**

This study investigates the impact of environmental courts on carbon intensity, using data of 281 cities in China during the year between 2003–2017. Using the multi-period difference-in-differences model, this study first evaluates the impact of environmental courts on carbon intensity taking the establishment of environmental courts as a quasi-natural experiment. Then, this study examines the influence mechanisms of environmental court on carbon intensity from the perspective of administrative enforcement, green innovation ability and cooperative effect of pollution control. Finally, this study analyses the heterogeneity test from the perspective of public participation, whether it is a low-carbon pilot city and geographical location.

### **Latin America**

**Acosta Alvarado, P., and Rivas-Ramirez, D. 2018. Milestone in Environmental and Future Generations' Rights Protection: Recent Legal Developments Before the Colombian Supreme Court. *Journal of Environmental Law* 30(3): 519-526.**

Acosta and Rivas-Ramirez conduct a deep dive into the famous case of climate litigation in Colombia: *Future Generations*. They analyse the case through a domestic perspective (522-524) and an international perspective (524-525). He assesses the subsequent impact of this case within Colombia (525), which is a potential gap within climate litigation.

**Arlota, C. 2020. The Amazon is Burning - Is Paris, Too? A Comparative Analysis Between the United States and Brazil Based on the Paris Agreement on Climate Change. *Georgetown Journal of International Law* 52:1: 161-214.**



This article aims to compare the policy choices of the United States and Brazil in the period between when the Paris Agreement entered into force in 2016 to late 2019 when the United States notified its withdrawal from the Paris Agreement under the Trump administration.

**Auz, J. 2022. Human Rights-Based Climate Litigation: A Latin American Cartography. *Journal of Human Rights and the Environment* 13(1): 114-136. <https://doi.org/10.4337/jhre.2022.01.05>**

This article maps climate litigation developments in Latin America and their human rights and constitutional rights implications. It identifies and examines the constitutional opportunities for and constraints upon adjudicating climate-related cases through human rights law and also problematizes the development of climate litigation in Latin America by drawing attention to the influence of extractivist political and economic interests. The article concludes by stressing that this type of climate litigation is increasing and has led to several favourable verdicts, but caution is warranted as some political economy elements might hinder the development of such litigation, its inclusivity, and long-term effectiveness.

**Bendel, J., and Stephens T., 2021. Turning to international litigation to protect the Amazon?. *Review of European, Comparative & International Environmental Law* 30(2): 173-183. <https://doi.org/10.1111/reel.12387>**

This article provides an assessment of the potential of litigating for the benefit of the Amazon, and examines the possible claims that could be advanced, the risks associated with each of these, and which are more likely to be successful. Then the article argues that the litigation landscape is complex, and there are jurisdictional, normative, and evidentiary hurdles in the way of a clear-cut judgment requiring Amazon States to take the urgent and direct measures needed to bring the ecosystem back from the brink.

**Celorio, R. 2019. Several Steps Forward, One Backward: Climate Change, Latin America, and Human Rights Resilience. *Maryland Journal of International Law* 34: 96-138.**

Celorio provides a detailed evaluation of climate change and its affects in Latin America. She takes a human-rights based approach, discussing rights such as the right to a healthy environment (109-116) and its corresponding obligation to act with due diligence (116-120). Throughout the article, she applies this human rights analysis to the Inter-American System of Human Rights (125-130). The author applies the human rights-based approach to Indigenous claims within Latin America and cites cases such as *Maya Indigenous Community of the Toledo*





*District v. Belize* and *Mayagna (Sumo) Awas Tingni Community v. Nicaragua* (131). The author notes that water scarcity is a growing threat within Latin America (124), hence, it could be the basis for future climate litigation claims within the region.

**de Andrade Moreira, D., Nina, A.L.B., de Figueiredo Garrido, C., and Segovia Barbosa Neves, M.E. 2023. Rights-Based Climate Litigation in Brazil: An Assessment of Constitutional Cases Before the Brazilian Supreme Court. *Journal of Human Rights Practice*. <https://doi.org/10.1093/jhuman/huad023>**

This article presents a systematic analysis of climate litigation in the Brazilian Supreme Court. It argues that climate litigation in Brazil is centred on the protection of human rights and the court is ready (and eager) to draw a closer connection between climate and human rights. First, the article contextualises the climate litigation movement within Brazil's broader environmental legal framework. Second, the article describes the Supreme Court climate docket of concentrated control cases. It focuses on the human right to an ecologically balanced environment and its connections with other constitutionally protected human rights. Third, the article examines the cases' judicial reasoning, considering how the Supreme Court addressed climate change in the decisions (interlocutory or on the merits) available thus far.

**Ferreira, L., de Freitas, V., de Freitas, G. 2021. The Latin American Indigenous. Ethnopolitics: Toward an Expansive and Comprehensive Climate Governance. *Beijing Law Review* 12(2): 447-462.**

The authors take a birds-eye view approach to climate litigation. They begin the article with an in-depth analysis of climate change and climate change litigation in general (448-453). They then move into a narrower approach to climate litigation in Latin-America, focusing on Indigenous ethnopolitics movements (454-459). Overall, this article is useful in showing the relationship between climate change legislation and climate change litigation.

**Garín, A. 2018. More than One Decade of Climate Change in Chile: Analysis of Domestic Policies. *Boletín mexicano de derecho comparado / Instituto de Investigaciones Jurídicas UNAM* 51: 587-625.**

This is a comprehensive article on environmental policies through the years in Chile. It is a great resource to understand how climate policies have evolved, and can be used to compare the policies from then to now.



**Giupponi, B.O. 2019. Fostering environmental democracy in Latin America and the Caribbean: An analysis of the Regional Agreement on Environmental Access Rights. *Review of European, Comparative, and International Environmental Law* 28(2): 136-151.**

This article is a great resource for information on environmental policies within the Latin-American Caribbean region. Through a discussion of international legal instruments, the author provides a detailed view on climate change policies within this region.

**Kotze, L.J., and Villavicencio Calzadilla, P. 2017. Somewhere between Rhetoric and Reality: Environmental Constitutionalism and the Rights of Nature in Ecuador. *Transnational Environmental Law* 2017: 1-33. doi:10.1017/S2047102517000061**

This article critically reflects on the legal significance of granting rights to nature, with specific reference to Ecuador's constitutional experiment. It first provides a contextual description of rights in an attempt to illustrate their anthropogenic genesis, and then explores the notion of environmental rights.

**Medici-Columbo, G., and Ricarte, T. 2023. *The Escazú Agreement Contribution to Environmental Justice in Latin America: An Exploratory Empirical Inquiry through the Lens of Climate Litigation. Journal of Human Rights Practice.***  
<https://doi.org/10.1093/jhuman/huad029>

Based on data gathered through interviews with 11 legal practitioners involved in climate cases in Argentina, Brazil, Colombia, Chile, Ecuador and Mexico, this article identifies procedural barriers that plaintiffs face in the courtroom and discusses if and how the implementation of the Escazú Agreement could overcome them for the improvement of access to justice in climate matters in Latin America. In doing so, the article highlights relevant experiences in Latin America that could be of interest to those seeking to overcome procedural hurdles in other regions.

**Pereira, R., and Garcia B., 2021. Editorial: The Legal Protection of the Amazon Rainforest. *Review of European, Comparative & International Environmental Law* 30(2): 157-161.**  
<https://doi.org/10.1111/reel.12411>

In this editorial note to the special issue, the editors provide recent data from pan-Amazônia, and discuss challenges for inter-state cooperation and domestic implementation of environmental standards.



**Pereria, R. 2021. Public Participation, Indigenous Peoples' Land Rights and Major Infrastructure Projects in the Amazon: The Case for a Human Rights Assessment Framework. *Review of European, Comparative & International Environmental Law* 30(2): 184-196. <https://onlinelibrary.wiley.com/doi/10.1111/reel.12400>**

Drawing on the impacts of major infrastructure projects in the Amazon, the article argues that national environmental impact assessment and licensing procedures must integrate a human rights approach to project impact assessments to safeguard the protection of the environment and indigenous peoples' fundamental rights.

**Rodriguez-Garavito, C. 2020. Human Rights: The Global South's Route to Climate Litigation. *AJIL Unbound* 114: 40-44.**

Rodriguez-Garavito argues that the human rights-based approach characterises the approach taken by States in the Global South when initiating climate change litigation in the Global South. The paper also discusses the linkages between Indigenous rights litigation and climate change litigation (41). Some States in the Global South, it posits, are global leaders in environmental rights, because of their constitutional litigation on water pollution, air quality, etc. (41). In arguing this, the paper cites the Colombian case, *Andrea Lozano Barragain et al. v. Presidencia de la República et al.*, whereby the author represented 25 young plaintiffs against the Colombian government for the latter not fulfilling its promise to limit deforestation in the Amazon (42). His personal insight into the litigation is interesting, as he delineates the arguments which were based in domestic and international law (42). Rodriguez-Garavito further argues that most climate change litigation occurring in the Global South occurs in a handful of States, mainly Middle-Income Countries, such as Brazil, India, and Indonesia (42-43). The author provides future steps regarding climate change litigation, such as assessing the impact of it; this could be the strategic basis for which such cases are brought within Latin America.

**Savaresi, A., and Auz, J. 2019. Climate Change Litigation and Human Rights: Pushing the Boundaries. *Climate Law* 9(3): 244-262.**

Savaresi and Auz do a deep dive into the Colombian case of *Future Generations* (254-255) by applying a human rights-based approach to climate change litigation (244-253). Using this approach, they analyse the extraterritorial Application of human rights obligations within the Inter-American Human Rights System (255-257) and the Philippines' case *Carbon Majors* (259).



They argue that climate change litigation shall be trending towards cases against corporate actors (258-261). If so, international courts shall have to use a mix of public international law and private international law to adjudicate the cases before them.

**Sena, R. 2021. The Intersection of Human Rights and Climate Change in the Inter-American Human Rights System: What to Hope for? *Wisconsin International Law Journal* 38(2): 331-368.**

Sena's approach takes a detailed evaluation of climate change litigation within the Inter-American System on Human Rights (IASHR). The author provides an analysis of various cases and domestic legislation within the IASHR. As per the findings of the author, climate change litigation within this system has taken various forms through the years, such as territorial territories (*Mayagna (Sumo) Awa Tingni Community*) and Indigenous activism (*Yanomamai People v. Brazil*). The author posits that the Inter-American Court of Human Rights has transformed into an environmental court within four waves. Then the paper argues that this happened because of Indigenous claims to their land being affected by climate change. Finally, the author points out that the future of climate change in litigation will be based on climate change as a human rights violation.

**Setzer, J., and Winter de Carvalho, D. 2021. Climate Litigation to Protect the Brazilian Amazon: Establishing Right to a Stable Climate. *Review of European, Comparative, and International Environmental Law* 30(2): 197-206. <https://doi.org/10.1111/reel.12409>**

The authors concentrate on climate litigation in Brazil. In so doing, their focus rests on the intense deforestation of the Amazon rainforest. Climate change litigation has become the strategy of choice within Brazil to address the government's failure to prevent or mitigate the deforestation of the Amazon rainforest (4). The authors note 13 cases of climate change litigation within Brazil as of May 2021 (4). They break these cases into 2 categories: the parties involved and the legal claims (4-6). They extract one primary case, *IEA v. Brazil*, which took a strategic approach of basing claims on novel and existing environmental law to establish the right to a stable climate (7, 11-15). They cite other cases within the Global South, such as *Leghari v. Pakistan* and *Future Generations v. Ministry of Environment of Colombia* within their analysis (10-11). An interesting argument that the authors present is that climate change litigation should be strategically tailored to the local context in which it is placed; it is not a one size fits all phenomenon (15-16). Perhaps novel climate change issues, such as the right to a stable climate, will be the ingredient for success in future climate change cases.



**Villavicencio Calzadilla, P., and Kotzé, L.J. 2018. Living in Harmony with Nature? A Critical Appraisal of the Rights of Mother Nature in Bolivia. *Transnational Environmental Law* 7(3): 397-424. <https://doi.org/10.1017/S2047102518000201>**

Although this article does not directly discuss climate litigation within Bolivia, it contains critical information on climate change policies. These policies form the basis on which future litigation can be brought.

**Tigre, M.A. 2023. The 'Fair Share' of Climate Mitigation: Can Litigation Increase National Ambition for Brazil? *Journal of Human Rights Practice huad032*, <https://doi.org/10.1093/jhuman/huad032>**

In this article, the author contends that despite the passage of several years since the Paris Agreement's adoption, the world remains far from attaining its emission reduction goals. The author, deeply concerned about the adverse impact of climate change on human rights, highlights the persistent shortfall in nations' 'nationally determined contributions' (NDCs) towards the 1.5°C target. While acknowledging the historical responsibility of developed nations, it might seem that the Global South's role in climate mitigation is relatively limited. However, the author stresses the substantial human rights implications of climate change, emphasizing that any temperature increase beyond 1.5 °C would jeopardize human well-being and the ecosystems vital for human survival. Consequently, the author underscores the need for all parties to collaborate and adopt more ambitious NDCs. This imperative primarily addresses the Global North, which carries significant historical emissions responsibility, but also extends to other regions like Brazil. The author's article assesses the role of fair share principles in climate litigation cases within the Global North, particularly in Europe, and explores the potential and challenges of initiating similar cases in Brazil. By relying on the fair share methodology employed to support arguments for increased ambition in cases within the Global North, the author examines whether a similar argument could find relevance in the Brazilian context.

**Tigre, M.A. 2023. International Recognition of the Right to a Healthy Environment: What Is the Added Value for Latin America and the Caribbean? *AJIL Unbound* 117: 184-188. [doi:10.1017/aju.2023.28](https://doi.org/10.1017/aju.2023.28)**

The author contemplates the added value of the resolutions to the regional recognition of the right in Latin America and the Caribbean (LAC). The article centres on how the UN's recognition



of the new right might influence the evolving law on human rights and the environment in LAC. The argument posits that the resolutions ought to bolster the region's already extensive environmental and climate jurisprudence to fully unleash the potential of the right to a healthy environment. By doing so, the right to a healthy environment could further consolidate the Inter-American Court of Human Rights (IACtHR) as a prominent court in environmental protection, consequently carrying broad implications for rights-based environmental (and climate) litigation.

**Tigre, M.A. 2021. COVID-19 and Amazonia: Rights-Based Approaches for the Pandemic Response. *Review of European, Comparative & International Environmental Law* 30(2): 162-172. <https://doi.org/10.1111/reel.12396>**

In this article, the author questions the duties of States to protect the environment and indigenous communities during COVID-19 and potential future pandemics. In this context, the article considers the developing jurisprudence of the Inter-American System of Human Rights and its potential effects on regional and national implementation of environmental obligations.

**Tigre, M.A., Urzola, N., and Goodman, A. 2023. Climate Litigation in Latin America: is the region quietly leading a revolution?. *Journal of Human Rights and the Environment* 14(1): 67-93. <https://doi.org/10.4337/jhre.2023.01.04>**

The authors argue that Latin America is host to many climate cases, but in mainstream climate litigation literature, the role of such litigation is often overlooked (especially the role of litigation in 'peripheral' claims). They argue that limiting the definition of climate litigation to cases that directly invoke climate-change-related claims, albeit useful, ignores a significant number of cases with potentially strong influence in climate governance. Latin America provides a wide and relevant range of climate cases that could inform how climate governance is shaped, but the majority of these cases rely on 'peripheral' climate claims: i.e. claims that may not directly mention climate change laws or data but which nevertheless have an impact on climate governance. Some of these claims refer to biodiversity protection (i.e. in the Amazon basin), while others appeal to climate change causes (i.e. air pollution). Furthermore, cases with innovative approaches such as those invoking the Rights of Nature or Intergenerational Equity also touch upon climate governance and the human–nature relationship. Drawing on the expanding body of climate-related cases in Latin America, the authors assess the role of the region in advancing climate litigation.



**Tigre, M.A., and Urzola, N. 2021. The 2017 Inter-American Court's Advisory Opinion: Changing the Paradigm for International Environmental Law in the Anthropocene. *Journal of Human Rights and the Environment* 12(1): 24-50. <https://doi.org/10.1111/reel.12400>**

In this article, the authors analyse the legal arguments constructed by the Inter-American Court of Human Rights in their landmark Opinion in 2017, and question whether, and how, the Opinion changes paradigms of international environmental law.

**Urzola, N. 2023. Gender in Climate Litigation in Latin America: Epistemic Justice Through a Feminist Lens. *Journal of Human Rights Practice*.**

Urzola points out that the gendered impacts of the climate crisis are not broadly discussed within the climate litigation movement. Her article focuses on how gender has impacted marginalised groups' participation in knowledge production regarding climate change and litigation. Drawing on feminist epistemology theories to problematise epistemic injustices that fail to acknowledge socially situated knowledge of marginalised groups as relevant and vital, she engages with the emerging body of climate cases in Latin America and scholarship thereon to assess how gender is portrayed and understood various roleplayers working in the region and how this understanding, or the lack of it, impacts knowledge production and power dynamics that intersect with other forms of discrimination.

## Blog posts

### General

**Agarwalla, S. *International climate change adjudication: A Means to Amplify Voices of the Global South?* Völkerrechtsblog.**

**<https://voelkerrechtsblog.org/international-climate-change-adjudication-a-means-to-amplify-voices-of-the-global-south/> (7 October 2019)**

This blog post argues for the use of international adjudication as a supplementary tool to complement international negotiations in addressing climate change issues in the Global South.

**Bookman, S. *Indigenous Climate Litigation in Anglophone Settler-Colonial States: Context, Cases and Caution*. Völkerrechtsblog.**



**<https://voelkerrechtsblog.org/indigenous-climate-litigation-in-anglophone-settler-colonial-states-context-cases-and-caution/> (25 March 2022)**

This blog post focuses on claims brought by Indigenous peoples in the Anglophone settler-colonial states of Australia, Canada, the United States and Aotearoa/New Zealand, and argues that there is a shared affinity between climate litigation in the Global South and climate litigation brought by Indigenous peoples in the settler-colonial states of the Global North.

**Bönnemann, M., Krakau, M., and Saiger, A.J. *Introducing the Symposium on Comparative Climate Litigation in North-South Perspective*. *Völkerrechtsblog*.**

**<https://voelkerrechtsblog.org/introducing-the-symposium-on-comparative-climate-litigation-in-north-south-perspective/> (21 March 2022)**

This blog introduces the content of the Symposium on Comparative Climate Litigation in North-South Perspective to its readers.

**Donger, E. *Lessons on 'Adaptation Litigation' from the Global South: What the Law Can, Can't and Might Do to Help Us Cope with Climate Change*. *Völkerrechtsblog*.**

**<https://voelkerrechtsblog.org/lessons-on-adaptation-litigation-from-the-global-south/> (25 March 2022)**

This blog post describes the concept of 'adaptation litigation' and provides an overview of various case studies from across the Global South.

**Goldston, J.A. *Climate litigation through an equality lens*. *Open Global Rights*.**

**<https://www.openglobalrights.org/climate-litigation-equality-lens/> (28 June 2020)**

This blog post argues for an equality-focused approach to climate litigation.

**Gradoni, L. and Mantovani, M. *No Kidding!: Mapping Youth-Led Climate Change Litigation across the North-South Divide*. *Völkerrechtsblog*. <https://voelkerrechtsblog.org/no-kidding/> (23 March 2022)**

This blog post provides an overview of various cases where the plaintiffs are young people complaining that public authorities are not doing enough to combat climate change and identifies possible trends of a global phenomenon which could go some way towards redressing the injustice the Global South is suffering as a result of global warming.





**Lin, J., and Peel, J. *The farmer or the hero litigator? Modes of climate litigation in the global South.* Open Global Rights.**

**<https://www.openglobalrights.org/farmer-or-hero-litigator-modes-of-climate-litigation-in-global-south/> (no date)**

This blog post provides a preliminary framework to explain the different, prototypical modes of legal action in the Global South and how they are shaped by particular actors, including local activists, global non-profit foundations, and lawyers.

**Marjanc, S. and Jones, S.H. Open Global Rights. *Are Matters of National Survival Related to Climate Change Really Beyond a court's Power?***

**<https://www.openglobalrights.org/matters-of-national-survival-climate-change-beyond-courts/> (28 June 2020)**

This article analyses the limits of a court's jurisdiction when adjudicating climate issues. That is, how separation of powers of each branch of government can still be maintained when adjudicating such issues. The authors argue that to achieve this, 'courts must interpret a State's responsibility to protect human rights in light of (among other things) international climate change law'. They then apply this analysis to the *Torres Strait Climate Case*.

**Murcott, M.J., Tigre, M.A., and Zimmerman, N. *Climate Change Litigation: What the ECtHR Could Learn from Courts in the Global South.* Published on [Volkerrechtsblog](#) and [Verfassungsblog](#) for the co-edited blog series on Comparative Climate Litigation in North-South Perspective**

**<https://verfassungsblog.de/what-the-ecthr-could-learn-from-courts-in-the-global-south/> (22 March 2022)**

This blog post describes the concept of climate injustice and identifies two lessons for the European Court of Human Rights arising from the expansive understanding of standing under South Africa's transformative constitutional regime, and the recognition of extraterritorial jurisdiction in the Inter-American System of Human Rights (IASHR).

**Rodríguez-Garavito, C. *Climate litigation and human rights: averting the next global crisis.* Open Global Rights.**

**<https://www.openglobalrights.org/climate-litigation-and-human-rights-averting-the-next-global-crisis/> (26 June 2020)**



This blog post introduces the blog series 'Litigating the Climate Emergency' hosted by Open Global Rights.

**Sathiabama, S., and Vedavalli, S. A Climate Warrior for the Global South: Will the New Human Right to Live in a Healthy Environment Succeed? Völkerrechtsblog.**

**<https://voelkerrechtsblog.org/a-climate-warrior-for-the-global-south/> (22 March 2022)**

This blog post analyses the impact of the right to a healthy environment on climate litigation in the Global South.

**Tandon, A. Analysis: How the diversity of IPCC authors has changed over three decades. CarbonBrief.**

**<https://www.carbonbrief.org/analysis-how-the-diversity-of-ipcc-authors-has-changed-over-three-decades/> (15 March 2023)**

According to Tandon's analysis, as at March 2023 the representation of female and global south authors in reports by the UN's Intergovernmental Panel on Climate Change (IPCC) has increased over the last thirty years. However, it remains lower compared to male and Global North authors.

**Tigre, M.A. Major Developments for Global Climate Litigation: The Human Rights Council Recognizes the Right to a Healthy Environment of the Committee on the Rights of the Child Publishes its Decision in an International Youth Climate Case. Sabin Center Climate Change Law Blog.**

**<https://blogs.law.columbia.edu/climatechange/2021/10/12/major-developments-for-global-climate-litigation-the-human-rights-council-recognizes-the-right-to-a-healthy-environment-and-the-committee-on-the-rights-of-the-child-publishes-its-decision-in-an-inter/> (12 October 2021)**

This blog post highlights the significance of the adoption of a new resolution by the United Nations Human Rights Council (HRC) and a long-awaited decision on a climate case by the Committee on the Rights of the Child (CRC) and explains its implications for international rights-based climate litigation.

**Tigre, M.A., and Murcott, M.J. Workshop on Global South Climate Litigation: A first step in a broader discussion on climate litigation in the Global South. Sabin Center Climate Change Law Blog.**



**<https://blogs.law.columbia.edu/climatechange/2021/12/16/workshop-on-global-south-climate-litigation-a-first-step-in-a-broader-discussion-on-climate-litigation-in-the-global-south/>** (16 December 2021)

This blog post introduces the workshop ‘Climate Litigation in the Global South: A Transnational Global South Perspective’ hosted by the Sabin Center for Climate Change Law and the Global Network for Human Rights and the Environment (GNHRE) in December 2021.

**Vallejo, C., and Gloppen, S. *The quest for butterfly climate judging*. Open Global Rights. <https://www.openglobalrights.org/quest-for-butterfly-climate-judging/> (11 August 2020)**

This blog post argues that developments in climate change litigation can lead to major social and cultural transformations.

**Vanhala, L. *Why ideas and identity matter in climate change litigation*. Open Global Rights. <https://www.openglobalrights.org/why-ideas-and-identity-matter-in-climate-change-litigation/> (28 June 2020)**

This blog post explores the question of which groups are not approaching the courts to address the climate crisis and analyses the reasons for such inaction.

**Vasudev, E. *Transformative Constitutionalism and Climate Litigation*. Völkerrechtsblog. <https://voelkerrechtsblog.org/transformative-constitutionalism-and-climate-litigation/> (24 March 2022)**

This blog proposes transformative constitutionalism as a solution to the challenge of unequal burdens in climate litigation and analyses four case studies from the Netherlands, Pakistan, Colombia, and Germany respectively.

## **Africa**

**Fourie, M. *Air pollution judgment rings the death knell for coal*. Centre for Environmental Rights. <https://cer.org.za/news/air-pollution-judgment-rings-the-death-knell-for-coal> (31 March 2022)**

This blog post discusses the judgment of the South African High Court in *Trustees for the Time Being of Groundwork Trust & Another vs Minister of Environmental Affairs & Others Case No.*



39724/19 and highlights the practical issues that the government will face in attempting to comply with the judgment.

**Ladan, M.T. *A Review of Nigeria's 2021 Climate Change Act: Potential for Increased Climate Litigation*. Sabin Center Climate Change Law Blog.**

**<https://blogs.law.columbia.edu/climatechange/2022/03/16/guest-blog-a-review-of-nigerias-2021-climate-change-act-potential-for-increased-climate-litigation/> (16 March 2022)**

This blog post provides an overview of Nigeria's 2021 Climate Change Act and explores the possible impact of this legislation on the future of climate change litigation in Nigeria.

**Moodley, P. *Litigation to challenge large extractive projects is gaining traction in Africa*. Open Global Rights.**

**<https://www.openglobalrights.org/litigation-to-challenge-extractive-projects-gaining-traction-in-africa/> (28 June 2020)**

This blog post analyses the role of litigation as a means of challenging large extractive projects that exacerbate the climate emergency in Africa.

**Obani, P., and Eghosa, E. *Transnational Litigation and Climate Change in Nigeria in Symposium: Nigeria and International Law: Past, Present and the Future* Afronomics Law Blog.**

**<https://www.afronomicslaw.org/category/analysis/transnational-litigation-and-climate-change-nigeria> (4 December 2021)**

Arguably due to the weaknesses of the global climate governance regime, climate litigation has become an important strategy adopted by victims and their representatives in foreign jurisdictions for regulating the impacts of businesses on human rights and the environment in oil and gas producing communities, particularly in developing countries. This blog engages with the role of climate litigation from a Nigerian perspective.

**Sefatsa, D., and Lesele, K. *Deadly Air: A Case in Defence of the Right to Breathe Clean Air!* The Global Network for Human Rights and the Environment.**

**<https://gnhre.org/community/deadly-air-a-case-in-defence-of-the-right-to-breathe-clean-air/> (29 April 2022)**



This blog post provides an overview of the judgment of the South African High Court in *Trustees for the Time Being of Groundwork Trust & Another vs Minister of Environmental Affairs & Others Case No. 39724/19* and identifies the most important outcomes of the judgment.

**Wangui, T.L., Zengerling, C. and Fuo, O. *Tracing the Trend: Emerging Climate Litigation in Kenya and South Africa*. Völkerrechtsblog. <https://voelkerrechtsblog.org/tracing-the-trend/> (21 March 2022)**

This blog post provides an overview of climate litigation in Kenya and South Africa and identifies emerging trends in both countries.

### **Asia and the Pacific Islands**

**European Council for Energy Efficient Economy. 2021. Since 2018, climate legal cases in Asia have risen by 185%.**

**<https://www.eceee.org/all-news/news/since-2018-climate-legal-cases-in-asia-have-risen-by-185/> (1 March 2021)**

The author asserts that climate change lawsuits have traditionally been viewed as initiating in the Global North. However, the Global South is rapidly becoming a leader in climate change litigation. From 2018-2022, there has been an 185% increase in climate change litigation within Asia.

**Foukona, J. *Opinio Juris*. Symposium Exploring the Crime of Ecocide: Climate Change Crisis in the Pacific - What Role can International Criminal Law Play?**

**<http://opiniojuris.org/2020/09/23/symposium-exploring-the-crime-of-ecocide-climate-change-crisis-in-the-pacific-what-role-can-international-criminal-law-play/> (23 September 2020)**

The author begins by discussing the state of the Pacific Island States' vulnerability to climate change. He then analyses what ecocide is. He examines how the International Criminal Court can adjudicate ecocide concerning the Pacific Island States.

**Kodiveri, A. *Open Global Rights*. The Promises and Challenges of Climate Change Litigation in India.**

**<https://www.openglobalrights.org/promises-and-challenges-of-climate-change-litigation-in-india/> (28 June 2020)**



The author examines India's increasing reliance on fossil fuel energy to power its electricity. Although there is climate change litigation in India, it is still in its early stages. A new case could change that, filed before the National Green Tribunal, directly arguing for the court to intervene in combating climate change. The author gives a brief, but thorough analysis on the potential for strategic climate change litigation in India, and its limitations.

**Mir, W. Open Global Rights. Courts in Pakistan are Facilitating Climate Dialogue Between State and Citizens.**

**<https://www.openglobalrights.org/courts-in-pakistan-are-facilitating-climate-dialogue-between-state-and-citizens/> (25 August 2020)**

This post evaluates the state of climate change litigation in Pakistan, and why it is limited by capacity related issues and systemic flaws. The author discusses the landmark case *Leghari v. Pakistan*. He then analyses how the court system can be improved in order to hear climate change cases.

**Ohdedar, B. The Global Network for Human Rights and the Environment. Climate adaptation, vulnerability, and rights-based litigation: broadening the scope of climate litigation using political ecology and insights from India.**

**<https://gnhre.org/community/climate-adaptation-vulnerability-and-rights-based-litigation-broadening-the-scope-of-climate-litigation-using-political-ecology-and-insights-from-india/> (20 April 2022)**

This blog post gives an insight into climate litigation concerning adaptation. The author posits adaptation climate litigation are few and far between, so adaptation cases may not mention 'climate change.' She then analyses how to frame climate vulnerability, and applies this analysis to India's climate change litigation, particularly *Swaraj Abhiyan v. Union of India*.

**Paudac, H.D. Open Global Rights. Toppling Modern-Day Goliaths in the Fight Against Climate Polluters.**

**<https://www.openglobalrights.org/toppling-modern-day-goliaths-in-fight-against-climate-polluters/> (15 July 2020)**

The author provides a perspective as one of the lawyers in a novel case tackling big polluters' responsibility toward climate change and human rights. These polluters are some of the biggest worldwide companies, including Shell. Paudac discusses their litigation strategies and the



potential for a big win by the Commission on Human Rights. The Commission may find that although these polluters cannot be found legally or morally liable for climate change harms, they can be found criminally and civilly liable if involving deception or fraud.

**Savaresi, A., and Wewerinke-Singh, M. The Global Network for Human Rights and the Environment. Historic Inquiry holds the Carbon Majors accountable for the impacts of climate change in the Philippines.**

**<https://gnhre.org/community/historic-inquiry-holds-the-carbon-majors-accountable-for-the-impacts-of-climate-change-in-the-philippines/> (10 May 2022)**

The authors analyse the decisions made and the impact of the historic case of *Carbon Majors* in the Philippines. This post is a great resource providing a thorough evaluation of the decision in this landmark case.

**Schulte, W. Heinrich Böll Stiftung. Environmental Litigation Trends in Southeast Asia.**

**<https://th.boell.org/en/2022/05/20/environmental-litigation-southeastasia> (20 May 2022)**

The author provides good insight into the recent case of Carbon Majors in the Philippines, and what that could mean for climate litigation in other parts of Southeast Asia. He discusses how State and non-State actors alike play a major role within climate cases in this region, and potential challenges to such litigation.

**Wardana, A. Verfassungsblog. Governing Through Courts?**

**<https://verfassungsblog.de/governing-through-courts/> (21 March 2022)**

The author provides detailed insight into climate change within Indonesia and subsequent climate change litigation. He examines 3 climate change cases within Indonesia: Samarinda Accuses, Cirebon Coal Power Plant, and Celukan Bawang Coal Power Plant. He notes that unlike other climate change litigation around the world, the Indonesian cases have had little impact on Indonesia. He attributes this lack of impact to the government's pursuit of economic development based on a carbon-intensive economic growth model.

**Wu, M. Opinio Juris. The Historic Case of Teitota.**

**<http://opiniojuris.org/2020/10/12/the-historic-case-of-teitota-climate-induced-asylum-and-its-future/> (12 October 2020)**



The author discusses the case of Ioane Teitiota, a refugee from the sinking island nation of Kiribati. He analyses the case under the 1951 Refugee Convention and the ICCPR. Although this case was first tried at courts in New Zealand, the case was taken to the Human Rights Committee. It is a fascinating case, and the author succinctly analyses it.

### **Latin America**

**Auz, J. The Global Network for Human Rights and the Environment. Human Rights- Based Climate Litigation: A Latin American Cartography.**

**<https://gnhre.org/community/human-rights-based-litigation-a-latin-american-cartography/>  
(29 April 2022)**

This blog post gives good oversight into current human rights-based climate litigation in Latin America. As of the time of the publishing of the article, the author identified 27 of such cases. Auz states that such cases do not focus on climate change as a primary concern, but as an 'additional argument for ecological protection'. He analyses the role of international law, regional law, and local law in these cases, including the Latin American legal phenomenon, *Amparo*. He goes on to identify barriers to climate litigation in Latin America, and the likely actors in these cases.

**Auz, J. Oxford Human Rights Hub. 2021. Human Rights-Based Litigation in Latin America.**

**<https://ohrh.law.ox.ac.uk/human-rights-based-climate-litigation-in-latin-america-2/>  
(14 April 2021)**

Juan Auz has written multiple articles and posts about climate litigation within the Global South. Within this article, he discusses international law within domestic fora, such as the Inter-American Court of Human Rights case of the Lhaka Honhat. He posits that active extractive companies within Latin America prevent certain States from instituting robust environmental protectionist policies. As such, climate change litigation is limited by extractivism and judges must balance societal interests with climate change interests. The author also states that climate change litigation within Latin America has been based on the constitutional right to a healthy environment, and not on climate change itself.

**Bicalho, I.S., et al. Climate Law Blog. Guest Commentary: Brazil will have Climate Litigation Trials in the Supreme Court.**





**<https://blogs.law.columbia.edu/climatechange/2022/03/28/guest-post-brazil-will-have-first-climate-litigation-trials-in-the-supreme-court/> (28 March 2022)**

This commentary provides insightful information on the recent environmental cases heard in the Brazilian Supreme Court. The authors contrast the adjudication of these cases to recent anti-environmental legislation passed by President Jair Bolsonaro.

**Borges, C. Open Global Rights. Will Climate Change Litigation Save the Brazilian Amazon?**  
**<https://www.openglobalrights.org/will-climate-change-litigation-save-the-Brazilian-Amazon/>**  
**(23 September 2020)**

The author discusses the critically damaged Amazon rainforest, due to climate change (i.e., deforestation). He then analyses whether climate change litigation in Brazil can save the Amazon.

**Cisterna-Gaeta, P. & Tigre, M.A. Climate Law Blog. Guest Commentary: Inter-American Commission on Human Rights' First Resolution on the Climate Emergency: Implications for Climate Litigation.**  
**<https://blogs.law.columbia.edu/climatechange/2022/04/11/guest-commentary-inter-american-commission-on-human-rights-first-resolution-on-the-climate-emergency-implications-for-climate-litigation/>**  
**(11 April 2022)**

This is a commentary on the IACHR Resolution on the Climate Emergency, and the IACHR's organisations' obligations in this emergency. This commentary outlines well the Resolution's background, substantive rights, procedural rights, and impact on climate litigation. The latter section of which is of particular relevance in today's climate.

**Donger, E. Verfassungsblog. Lessons on 'Adaptation Litigation' from the Global South**  
**<https://verfassungsblog.de/lessons-on-adaptation-litigation-from-the-global-south/>**  
**(25 March 2022)**

This article takes a unique approach to climate change litigation in the Global South; that is, through an 'adaptation litigation' lens. The author states that adaptation litigation is rare within Latin America, however, she analyses the notable cases within the region.



**Garofalo, C. Verfassungsblog. As the Lungs of the Earth Dry Out, Climate Litigation Heats up.**  
<https://verfassungsblog.de/as-the-lung-of-the-earth-dries-out-climate-litigation-heats-up/>  
(24 March 2022)

The author provides a good overview of climate litigation using a human rights-based approach currently being litigated in Latin America (specifically Peru, Colombia, and Brazil). The article analyses the litigation strategies within these cases.

**Gradoni, L. and Mantovani, M. Verfassungsblog. No Kidding!**  
<https://verfassungsblog.de/no-kidding/> (24 March 2022)

The authors approach climate change litigation through a youth-led perspective. As such, they note landmark youth-led cases within the Global South, including cases in the Philippines, Pakistan, India, and Colombia. The authors apply a comparative perspective on the Global North and South, which is useful in seeing how the two regions compare in terms of climate change litigation. Included are a couple of graphics detailing this comparative analysis.

**Landau, D. I-CONnect Blog. The New Chilean Constitutional Project in Comparative Perspective.**  
<http://www.iconnectblog.com/2022/07/the-new-chilean-constitutional-project-in-comparative-perspective/> (16 July 2022)

The author thoroughly examines the new Chilean Constitution from a comparative perspective. He also discusses the negotiations, process design, outcome, and implementation of this Constitution.

**Moloney, A. Thomson Reuters. 2021. Climate Lawsuits snowball as South Americans seek a healthy environment.** <https://news.trust.org/item/20210531175116-tvbqd/> (1 June 2021)

This brief article discusses current climate change litigation within Latin America. The author looks at the rollback of environmental protectionist policies within States such as Brazil. She states that many of the climate cases are within resource-heavy States such as Colombia and Peru. There are also cases being brought against corporations, such as the case of a Peruvian farmer suing a German utility company, RWE. As such, climate change cases are increasingly going to involve corporations.

**Niehaus, M. Verfassungsblog Protecting Whose Children?**

**<https://verfassungsblog.de/protecting-whose-children/> (23 March 2022)**

This blog provides a thorough analysis of climate change litigation in the Global South through a right of future generation perspective. For example, one such case is being adjudicated in Colombia, *Future Generations v. Ministry of the Environment*. Although the author uses a comparative analysis of the Global South/North, the article contains detailed information on how climate change litigation is viewed in the Global South, especially in Colombia.

**Nishikawa, Y.G. Climate Law Blog. Climate Litigation in Japan: Citizen's Attempts for the Coal Phase-out.**

**<https://blogs.law.columbia.edu/climatechange/2022/06/01/climate-litigation-in-japan-citizen-s-attempts-for-the-coal-phase-out/>. (1 June 2022)**

In this blog post, the author provides a detailed analysis of the Citizens' Committee on *the Kobe Coal-Fired Power Plant v. Japan* case which is pending before the Supreme Court of Japan. The case is considered the very first climate change-related case to be heard and concluded before the Supreme Court of Japan. Then the author continues with the civil and administrative law perspectives on the litigation in the Japanese Legal System. The author then tentatively arrives at the conclusion that the civil law requirement of bringing proof of concrete danger might create a hindrance in front of climate change-related cases. Then from the administrative law perspective, in accordance with the Osaka High Court, claims related to the regulation of GHG emissions cannot be enforced by individuals as they should be addressed as policy issues by the political branches.

**Pratti, G. OpinioJuris. Brazil Fights Itself: Climate Litigation Against Incoming Backfire.**

**<http://opiniojuris.org/2022/06/03/brazil-fights-itself-climate-litigation-against-incoming-back-fire/> (3 June 2022)**

The author analyses climate change litigation in Brazil; the parties and the issues that come with it. Pratti does a deep dive into 12 filings concerning climate change in Brazil, and the regions within Brazil in which they originate.

**Sarlet, I.W., and Fensterseifer, T. Verfassungsblog. Guardian of the Amazon.**

**<https://verfassungsblog.de/guardian-of-the-amazon/> (6 July 2022)**

This article thoroughly analyses the recently adjudicated climate case in Brazil – Argution of Noncomplication with a Fundamental Precept (ADPF) n. 708. The authors discuss the importance of the decision within this landmark case.

**Sathibhama, S., and Vedavalli, S. Verfassungsblog. A Climate Warrior for the Global South.**  
<https://verfassungsblog.de/a-climate-warrior-for-the-global-south/> (22 March 2022)

Interesting read with good insight into climate change policies and litigation in the Global South. The authors note a few cases within the Global South, including in Asia and Latin America. For example, the authors provide a brief insight into the Nepali case of *Advocate Padam Bahadur Shrestha, a resident of Kathamandu District, Kathamandu Metropolitan City, Warn No. 10, Baneshwor v. The office of the Prime Minister and Council of Ministers, Singhadurbar, Kathmandu and Others.*

**Setzer, J. et al. London School of Economics. Public prosecutors, political parties, and NGOs are paving the way for vital climate change litigation in Brazil.**  
<https://blogs.lse.ac.uk/latamcaribbean/2020/11/25/public-prosecutors-political-parties-and-ngos-are-paving-the-way-for-vital-climate-change-litigation-in-brazil/> (25 November 2020)

Climate change litigation in Brazil is critically important, given that Bolsonaro seems dedicated to burning the entirety of the Amazon to the ground. Thankfully, the tireless efforts of public prosecutors and NGOs within Brazil are helping to put a stop to his efforts. However, courts within Brazil have yet to directly tackle climate change concerns within cases, but one step forward is if the judiciary provides a climate-oriented advisory opinion of the civil liability regime concerning environmental matters.

**Steininger, S., and Herrera, J.C. Verfassungsblog. Travelling Courts and Strategic Visitation.**  
<https://verfassungsblog.de/travelling-courts-and-strategic-visitation/> (1 June 2022)

The authors evaluate the impact of strategic visitation within the case *Luciano Lliya vs. RWE AG*. Although this case is being adjudicated in Germany, the issue of climate change's impact takes place in Peru. As such, the German judges within this case visited Peru. The author analyses how this strategic visitation can and will impact cases within the IACtHR and beyond.

**Tigre, M.A. et al. Sabin Center for Climate Change Law. Climate Litigation in Latin America and the Caribbean: Launching a Regional Platform for Climate Litigation.**



**<http://blogs.law.columbia.edu/climatechange/2022/02/11/climate-litigation-in-latin-america-and-the-caribbean-launching-a-regional-platform-for-climate-litigation/> (referenced 20 March 2022)**

The authors discuss how the Latin-America Caribbean region (LAC) is rich with resources but is also particularly susceptible to climate change. Strategic climate change litigation can help hold States accountable for their climate change promises. The authors provide a brief overview of the rich number of climate-related cases within LAC. As there are a number of climate change cases within LAC, a database called Climate Litigation Platform for Latin America and the Caribbean was launched to track these cases. The Platform also provides a space for people to share experiences and strategies on the environment and climate.

**Tigre, M.A. Climate Law Blog. A New Climate Litigation Claim in Brazil Raises the Pressure for Increased Climate Action and Protection of the Amazon Rainforest.**

**<https://blogs.law.columbia.edu/climatechange/2021/12/01/a-new-climate-litigation-claim-in-brazil-raises-the-pressure-for-increased-climate-action-and-protection-of-the-amazon-rainforest/> (1 December 2021)**

This article is a great resource for understanding the Brazilian climate litigation case, *Laboratório do Observatório do Clima v. Environmental Ministry and Brazil*. Tigre states that this is one of many cases in Brazil being used to pressure President Bolsonaro for his anti-environmental policies. She situates this case within existing Brazilian climate policy, international climate commitments, and ongoing climate cases in Brazil.

**Tigre, M.A. Climate Law Blog. Guest Commentary: Brazilian's First Tort Climate Case for Illegal Deforestation in Amazonia.**

**<https://blogs.law.columbia.edu/climatechange/2021/06/16/guest-commentary-brazilians-first-tort-climate-case-for-illegal-deforestation-in-amazonia/> (16 June 2021)**

This blog post provides insightful information on the first tort case in Brazil on the illegal deforestation of the Amazon. Tigre breaks the arguments within this case down into 4 legal aspects: (1) illegal deforestation in traditional land, (2) petition is grounded on human rights violations from the contribution to climate change, (3) climate damage, and (4) environmental damages. Through this breakdown, it is apparent that this case is part of a growing number of



climate cases in Brazil. From the launch of the case, the court granted an injunction prohibiting the 'cattle herd from the farms causing the deforestation'.

**Tigre, M.A. Climate Law Blog. IEA v. Brazil: When a Court Accepts the Legally Disruptive Nature of Climate Change.**

**<https://blogs.law.columbia.edu/climatechange/2021/12/21/iea-v-brazil-when-a-court-accepts-the-legally-disruptive-nature-of-climate-change/> (21 December 2021)**

This article is a great resource analysing the case, *IEA v. Brazil*. The authors situate the case by providing background and then examine the decision made in the case and its subsequent impact.

**Tigre, M.A. OpinioJuris. Brazil's First Climate Case to Reach the Supreme Court.**

**<http://opiniojuris.org/2020/10/13/brazils-first-climate-case-to-reach-the-supreme-court/> (13 October 2020)**

This article discusses the first climate litigation case in Brazil, following its first public hearing on climate change. This case, *CASE ADPF 708*, is the spark that began a series of climate litigation in Brazil. The plaintiffs allege that the funds allocated for climate change mitigation were not actually allocated, stunting these mitigation efforts. Tigre thoroughly analyses this case, i.e., its facts, and what it means for the right to a healthy environment and the Amazon.

**Tigre, M.A., Climate Law Blog, Advancements in Climate Rights in Court Around the World.**

**<https://blogs.law.columbia.edu/climatechange/2022/07/01/advancements-in-climate-rights-in-courts-around-the-world/>. (1 July 2022)**

In this blog post, Tigre provides an outlook on the latest court cases and legal developments from courts all around the world. Tigre's analysis begins with *Duarte Agostinho and Others v. Portugal and 32 other States* cases where the Grand Chamber examines cases that present 'a serious question' affecting the interpretation of the European Convention of Human Rights. Then the author continues her analysis with *PSB et al. v. Brazil (on Climate Fund) (ADPF 708)* case from Brazil in which the Brazilian Supreme Court recognizes the Paris Agreement as a human rights treaty.



**Vasudev, E. Verfassungsblog. Transformative Constitutionalism and Climate Litigation.**  
<https://verfassungsblog.de/transformative-constitutionalism-and-climate-litigation/>. (23 March 2022)

The author approaches climate change cases from a constitutionalist perspective. He provides a good summary of notable cases within the Global South, including in Pakistan (*Leghari v. Pakistan*) and Colombia (*Future Generations v. Ministry of the Environment*). He discusses the role of the States' respective constitutions within the decisions made by the Courts.

**Viveros-Uehara, T. Verfassungsblog. The Right to Health in Climate Change Litigation.**  
<https://verfassungsblog.de/the-right-to-health-in-climate-change-litigation/> (22 March 2022)

The author takes an interesting approach to climate change litigation by analysing it through a right-to-health lens. She iterates that the right to health and climate change litigation are becoming increasingly intertwined and notes a few cases to illustrate her assertion (*Future Generations v. Ministry of the Environment and Others* and *Greenpeace Mexico v. Ministry of Energy and Others*). The author provides a thorough analysis of both cases and how the right to health played a role.

## Reports

### General

**Alston, P. 2019. *Climate Change and Poverty*. United Nations Human Rights Council. U.N.Doc. A/HRC/41/39.**

[https://srpovertyorg.files.wordpress.com/2019/06/unsr-poverty-climate-change-a\\_hrc\\_41\\_39.pdf](https://srpovertyorg.files.wordpress.com/2019/06/unsr-poverty-climate-change-a_hrc_41_39.pdf).

This report highlights the main impacts of climate change on human rights, poverty, and inequality. It is an incredible resource in understanding these impacts, with practical, long-term solutions targeting these impacts.

**Nachmany, M., et al. 2017. *Global Trends in Climate Change Legislation and Litigation*. London: Grantham Research Institute on Climate Change and the Environment and Centre for**



**Climate Change Economics and Policy, London School of Economics and Political Science.**  
**<http://archive.ipu.org/pdf/publications/global.pdf>**

This report summarises key trends in climate change legislation and litigation and covers legislative activities in 164 countries. It also includes an analysis of climate change litigation.

**Setzer, J., and Higham, C. 2021. *Global Trends in Climate Change Litigation: 2021 Snapshot*. London: Grantham Research Institute on Climate Change and the Environment and Centre for Climate Change Economics and Policy, London School of Economics and Political Science.**  
**[https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2021/07/Global-trends-in-climate-change-litigation\\_2021-snapshot.pdf](https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2021/07/Global-trends-in-climate-change-litigation_2021-snapshot.pdf)**

This report reviews key global developments in climate litigation over the period from May 2020 to May 2021.

**Setzer, J. and Higham, C. *Global Trends in Climate Change Litigation: 2022 Snapshot*. London: Grantham Research Institute on Climate Change and the Environment and Centre for Climate Change Economics and Policy, London School of Economics and Political Science.**  
**<https://www.lse.ac.uk/granthaminstitute/publication/global-trends-in-climate-change-litigation-2022/>**

This report builds upon the global developments found in the 2021 report above but includes updated information about these trends. The authors focus on climate litigation trends around the text of the Glasgow Global Compact.

**United Nations Environment Programme. 2020. *Global Climate litigation Report*.**  
**<https://www.unep.org/resources/report/global-climate-litigation-report-2020-status-review>**

This report includes a comprehensive view of recent developments of climate change litigation around the world.

### **Africa**

**Rumble, O., and Gilder, A. 2021. *Climate Change Litigation on the African Continent*. Konrad-Adenauer-Stiftung e. V.**  
**[https://www.kas.de/documents/282730/0/Climate\\_Litigation\\_Africa.pdf/1450e939-d100-a70e-8a9d-315161f96024](https://www.kas.de/documents/282730/0/Climate_Litigation_Africa.pdf/1450e939-d100-a70e-8a9d-315161f96024)**





This report discusses some of the climate cases documented in Africa to date and discusses potential drivers that are likely to provoke increased levels of litigation.

## Asia

**Asian Development Bank. 2020. Climate Change, Coming Soon to a Court Near You: Climate Litigation in Asia and the Pacific and Beyond.**

**<https://think-asia.org/bitstream/handle/11540/12846/climate-litigation-asia-pacific.pdf?sequence=1>**

This report is part of the climate change series of reports by ADB. It is a resource on climate change and climate change litigation within Asia. It compares and contrasts the judicial approach to various environmental issues between an international approach and the approach taken in Asia. It also analyses current international environmental law, including legislation and litigation. In addition, the report's focus is broken into different human rights (ex. participatory rights) and vulnerable groups (Indigenous, women, and children).

**Asian Development Bank. 2020. Climate Change, Coming Soon to a Court Near You: Climate Litigation in Asia and the Pacific and Beyond: Report Series Purpose and Introduction to Climate Science.**

**<https://www.adb.org/sites/default/files/publication/653286/series-purpose-introduction-climate-science.pdf>**

This report is the introduction to a series of reports on climate change litigation in the Asia-Pacific, and the national and international legal frameworks on which this litigation is based. The report also contains comprehensive information on climate change.

**Asian Development Bank. 2020. Climate Change, Coming Soon to a Court Near You: International Climate Change Legal Frameworks.**

**<https://www.adb.org/sites/default/files/publication/660321/international-climate-change-legal-frameworks.pdf>**

This report is part of the climate change series of reports by the Asian Development Bank. This report contains a thorough list and analysis of international climate change treaties and declarations which define climate change commitments. It also contains detailed information on regional agreements affecting Asia, including South Asia and the Pacific. This is a great resource



## *Climate Litigation in the Global South Project Annotated Bibliography*



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to understand the treaties on which climate change litigation within Asia and the Pacific is based. It provides an insightful overview of such treaties framing and affecting the region.

**Asian Development Bank. 2020. Climate Change, Coming Soon to a Court Near You: National Climate Change Legal Frameworks in Asia and the Pacific.**

**<https://www.adb.org/sites/default/files/publication/660321/international-climate-change-legal-frameworks.pdf> (referenced 14 July 2020).**

This report is part of the climate change series of reports by ADB. It contains detailed information on climate policies in States within South Asia, Southeast Asia, and the Pacific. It also analyses climate policy trends within these sub-regions. Overall, it is a fantastic resource to examine climate legislation affecting climate change legislation within Asia and the Pacific.